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TIGARD CITY COUNCIL  
MEETING

August 13, 2002 6:30 p.m.

TIGARD CITY HALL  
13125 SW HALL BLVD  
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, Ext. 309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, x309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A  
TIGARD CITY COUNCIL MEETING  
August 13, 2002

6:30 PM

- STUDY SESSION
  - > UPDATE ON THE URBAN SERVICES AGREEMENT
  - > UPDATE ON VARIOUS HUMAN RESOURCES ISSUES
    - Human Resources Director
- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. BUSINESS MEETING
  - 1.1 Call to Order - City Council & Local Contract Review Board
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non-Agenda Items
2. VISITOR'S AGENDA (Two Minutes or Less, Please)
3. PROCLAMATION
  - National Alcohol and Drug Addiction Recovery Month, September 2002
4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 4.1 Approve Council Minutes for June 25 and July 9, 16, 23, 2002
- 4.2 Receive and File:
  - a. Council Calendar
  - b. Tentative Agenda
- 4.3 Approve Budget Amendment #1 to the Fiscal Year 2002-03 Budget to Transfer \$10,000 from Parks Capital Fund Capital Improvements to the Public Works Program for Completion of a Street Inventory – Resolution No. 02 - \_\_\_\_\_
- 4.4 Appoint Sharon Rollins to the Tree Board and Tricia Bull as Alternate to the Tree Board – Resolution No. 02 - \_\_\_\_\_
- 4.5 Local Contract Review Board:
  - a. Reject Bid Proposals for the Construction of Gaarde Street, Sanitary Sewer Reimbursement District No. 24, and 121<sup>st</sup> Avenue, Sanitary Sewer Reimbursement District No. 26
  - b. Award Contract for Construction of Carmen Street, Sanitary Sewer Reimbursement District No. 25, to Dunn Construction, Inc.
  - c. Award Contract for the Construction of the Fiscal Year 2002-2003 Pavement Major Maintenance Program to Pro-Teck Construction, Inc.
  - d. Approve Change Order #4 for Cook Park Master Plan Expansion Phase II
  - e. Approve Contract Modification for Architectural/Engineering Design Services with CES/NW for the Cook Park Master Plan Expansion Project
  - f. Approve Two-Year Electrical Services Contract Utilizing the Washington County Contract
- Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.

5. UPDATE ON THE TIGARD FESTIVAL OF BALLOONS

- a. Staff Report: Administration Staff
- b. Council Discussion

6. DISCUSSION WITH STATE SENATOR GINNY BURDICK AND STATE REPRESENTATIVE MAX WILLIAMS

- a. Staff Report: Administration Staff
- b. Council Discussion

7. UPDATE ON THE PROPOSED LOCAL OPTION LEVY FOR WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES (WCCLS)
  - a. Staff Report: Library Staff
  - b. Council Discussion
  
8. PUBLIC HEARING TO CONSIDER A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY PURCHASED FOR ACCESS TO THE MENLOR RESERVOIR
  - a. Open Public Hearing
  - b. Summation by Public Works Staff
  - c. Public Testimony
  - d. Staff Recommendation
  - e. Council Discussion
  - f. Close Public Hearing
  - g. Consideration by Council: Resolution No. 02 - \_\_\_\_\_
  
9. COUNCIL LIAISON REPORTS
  
10. NON AGENDA ITEMS
  
11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
  
11. ADJOURNMENT

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## MEMORANDUM

### CITY OF TIGARD

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TO: City Council  
FROM: Jim Hendryx  
DATE: July 26, 2002  
SUBJECT: Urban Services IGA

Washington County and Tigard entered into an Urban Services Agreement in May of 1997. The agreement initially authorized the City to provide development related planning, building, engineering services, and street maintenance activities. The agreement was subsequently amended, eliminating Tigard provision of street maintenance activities.

The terms of the agreement remain in effect for 5 years. The issue of whether Council desired to terminate the agreement was discussed on February 12, 2002, at which time Council moved to continue the agreement with the understanding that staff would return with necessary amendments to bring the IGA up to date. At that time, Councilor Scheckla noted his concern about the County's response to the City's request for collection of system development charges in the Urban Services Area for parks.

The agreement was due to expire on May 12, 2002. The IGA (IV. OPERATING PROCEDURES AND RELATIONSHIPS, Section IV D), specifically grants authority to the City Manager and the County Administrator to make changes as needed. With this charge, the County Administrator and City Manager extended the agreement for a period of up to 120 days (until September 9, 2002), during which time the following would occur:

- A. The City and County will initiate discussions on the provision of park services for the area covered by the IGA.
- B. All necessary amendments to the IGA will be finalized, deleting services no longer provided by the City and reflecting all previous amendments.

As Council is aware, the agreement has been a benefit to the City. It is assumed that the area within the Urban Services Boundary (USB) will ultimately be incorporated into the City. Our

involvement in the development of the USB allows for conformance to City standards, procedures, etc. This would not be the case if the agreement were terminated.

It has been 5 years since enactment and the attached IGA has been revised to reflect current procedures and standards. It also reflects Park SDC collection pending an annexation vote. The IGA will formally come to City Council on August 27<sup>th</sup> for adoption. This will follow Council's review of the Bull Mountain survey results and associated policy issues on August 20, 2002.

**DRAFT August 2, 2002**  
**URBAN SERVICES INTERGOVERNMENTAL AGREEMENT**  
**BETWEEN**  
**CITY OF TIGARD AND WASHINGTON COUNTY**

This agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2002, by WASHINGTON COUNTY, hereinafter "COUNTY" and the CITY OF TIGARD, hereinafter "CITY", both political subdivisions of the State of Oregon.

WHEREAS, ORS 190.007 provides for the furthering of economy and efficiency in local government and that intergovernmental cooperation is a matter of state wide concern; and

WHEREAS, ORS 190.010 provides that units of government may enter into agreements for the performance of any and all functions and activities that a party to the agreement, its officers or agencies have authority to perform; and

WHEREAS, Article IV(B)(2) of the Urban Planning Area Agreement called for a study of the transfer of responsibility for certain urban services from the COUNTY to the CITY to determine the cost effectiveness and feasibility of this transfer; and

WHEREAS, the COUNTY and the CITY believe it is in the best interest of efficiency and economy to transfer responsibility of certain services to the local unit of government consistent with the objectives of ORS 195;

WHEREAS, the COUNTY and the City entered into an urban services IGA dated May 12, 1997 and now wish to update that agreement;

WHEREAS, this agreement provides for a newly designed method to provide governmental services, is unique to the parties, and is subject to amendment; it is not intended to be used as a model agreement for other jurisdictions;

NOW, THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. AREA AFFECTED BY AGREEMENT

A. The area affected by the intergovernmental agreement is defined by Exhibit "I" to this agreement and is hereinafter referred to as the "area."

II. DELEGATION OF AUTHORITY

A. The COUNTY agrees to delegate to the CITY any and all additional authority that it possesses and which is needed by the CITY to carry out planning, development, road functions and other related activities within the area. The effective date and terms of the delegation of authority are as provided for in this agreement. Among the actions to be authorized pursuant to this provisions will be:

1. Provision of planning information to applicants for development review for all land development proposed for the area.
2. Performance of pre-application conferences.
3. Preparation of staff reports and performance of site visits for pending applications.
4. Coordination and provision of public notice of land use applications.
5. Collection of fees pertaining to development applications, building permits right-of-way use fees, systems development charges and traffic impact fees.
6. Presentation of staff recommendations pertaining to land use proposals at public hearings.
7. Preparation of administrative decisions for those applications that do not require public hearings, in keeping with the Tigard Community Development Code.
8. Conducting of public hearings before the land use approval authority as provided by the Tigard Community Development Code.
9. Conducting of appeal hearings before the land use approval authority as provided by the Tigard Community Development Code.
10. Preparation of final orders for all final decisions made pursuant to this agreement.
11. Representing the CITY in any appeal of a decision made by the CITY

under this agreement to LUBA or any other court and representing the CITY in mandamus actions or any other actions in state or federal court.

12. Review of construction activities related to development approvals granted pursuant to this agreement for compliance with conditions of development approval.

13. Coordination with engineering and other appropriate staff for review and approval of public facilities related to development application and construction.

14. Interpretation of the applicable comprehensive plan and implementing regulations for the area.

15. Exercise of subdivision authority within the area.

16. Processing and issuance of building permits for all construction activities within the area. Performance of all building inspecting and enforcement relating to permits issued.

17. Surface maintenance and improvements of roads within the area; all other routine maintenance shall be provided by County.

18. Issuance of all access permits and right of way use and right-of-way construction permits for the area.

19. Enforcement of code and permit violations including:

- a. Development and zoning violations
- b. Building code violations
- c. Conditions of approval violations
- d. Right of way permit violations
- e. Road and street hazards

20. Reviewing OLCC and DMV land use compatibility statements.

21. Collection of Park System Development Charges pursuant to the provisions of Exhibit 7.

### III. RESPONSIBILITIES OF THE PARTIES

#### A. General Terms Regarding Responsibilities of the Parties.

It is the intention of the parties hereto that there be no cost to the CITY in the undertaking of the responsibilities under this agreement. As to operational costs, the fee schedule

adopted for development review and building permit services is intended to fully cover all direct and indirect costs to the CITY associated with development review and building permit functions.

As of the date of this Agreement, the parties contemplate that there are three broad areas of cost of service in the Area which is the subject of this agreement. Those areas of cost are:

1. operational expenses,
2. defense of litigation, administrative and LUBA appeals occasioned by development review and engineering review of development; and
3. liability under tort, constitutional and related theories.

It is the intent of the parties that the CITY will be fully compensated for operational expenses relating to this Agreement through application fees collected by the City or by funds transferred from the County. The remaining two described cost areas to the CITY will be analyzed as provided in Section (IV)(B) and (VI).

B. The County agrees to perform the following activities as part of this intergovernmental agreement:

1. Transfers of all special fund allocations to the CITY for specific services denoted in this agreement shall be made in accordance with the provisions of Exhibit 3. Any interest accrued by the CITY shall be used in furtherance of delivering such specific services. In the event of funding short falls for operational expenses arising out of the CITY's assumption of obligations under this agreement, the provisions of paragraph IV(A)(1) shall govern the transfer of additional funds to the CITY by the COUNTY.
2. Any service under this agreement provided by CITY that requires payment by COUNTY to CITY for such service shall only be required of the CITY as long as COUNTY makes the payments to CITY as required by this agreement. This agreement shall terminate if COUNTY is unable to make payments to CITY required under this agreement due to reductions in the COUNTY budget.
3. Provide as needed technical assistance to the CITY to assist in those services requiring COUNTY expertise. Such technical assistance shall be delivered to the CITY at no charge and in a timely manner. More specifically, the COUNTY agrees to provide technical assistance in development review to assist the CITY's Community Development Department render appropriate land use decisions including "areas of special concern" and floodplain/drainage hazard areas, as defined in the COUNTY's Bull Mountain Community Plan.
4. Provide coordination with the CITY in updating and development of the COUNTY's transportation capital improvement program.
5. Adopt provisions of Tigard's Municipal Code, allow the use of certain City engineering standards (e.g., street width, curb type, sidewalk location), and other City rules that are necessary for the CITY to have authority to fulfill the delegation provisions listed under section II of this agreement.

6. If at a quarterly meeting, it is determined that the COUNTY fee schedule is not adequate to compensate CITY for services performed, upon presentation of adequate documentation to this effect, COUNTY shall adjust its fee schedule for the area to attempt to cover the cost of the service. In addition, the cost recovery provisions of paragraph IV(A) shall apply consistent with the intent that there be no net loss to the CITY for operational expenditures under this agreement.

C. The CITY agrees to perform the following activities as part of this intergovernmental agreement:

1. Perform land development services (development assistance development review) on a daily basis consistent with the CITY Community Development Code as adopted by the COUNTY.
2. Perform building inspection services (plan review, electrical, plumbing, mechanical, structural) on a daily basis consistent with the state law and the CITY code as adopted by the COUNTY.
3. Utilize the COUNTY'S street standards or those City standards agreed to by COUNTY in evaluating public and private development and/or projects in the area. The County Engineer shall approve the standards to be used during plan review.
4. Perform surface maintenance work for County and public roads and receive payment for such work from County and Urban Road Maintenance District (URMD), as described in Exhibit 2 and 3.
5. Perform road capital improvements and receive payment for such improvements from Traffic Impact Fees, as described in Exhibit 4.
6. Perform code enforcement services on a daily basis consistent with the CITY codes as adopted by the County and receive payment for such enforcement, as described in Exhibit 5.
7. As of the date of this agreement, CITY shall impose a condition upon any applications which requires street lighting, that the applicant will agree to the formation of a Street Lighting District.
8. Take responsibility for and complete inspections and reviews for all existing building permits and complete review of all development permit applications (including requests for extensions on existing permits) that are filed after the effective date of this agreement and receive payments, as described in Exhibit 6.
9. Collect all pertinent fees and taxes relevant to building permits, traffic impact tax, sign permits, right-of-way use permits, sign permits and development application fees. CITY shall apply its own fee schedules for all engineering, development, and building permits. CITY may adopt revised fee schedules as necessary to fully recover costs for providing services. CITY shall retain all fees it collects for its services.

COUNTY shall continue to collect Maintenance Local Improvement District (MLID) and URMD assessments for this area and transfer them as provided for in this agreement under Exhibit 2.

10. All other actions reasonably necessary to carry out the authority given to CITY as provided for in the attached Exhibits.

#### IV. OPERATING PROCEDURES AND RELATIONSHIPS

The COUNTY and CITY agree:

##### A. Operational Expenses.

It is expected that the City will adjust its fees as necessary over time to cover its operating costs. If those funds transferred or fees gathered are not sufficient to pay for the services required by this agreement, the COUNTY shall reimburse CITY for any deficiency remaining at the end of each year. Such reimbursement shall be in accordance with the provisions of Exhibit 3. To be eligible to receive such payments for the deficiency, the CITY is required to:

1. Meet annually with COUNTY and give accounting records of the CITY's fund for these services that describe the cost of services and the revenues generated during the year. CITY shall also make estimates about levels of services, staffing requirements and revenue projections for the next year. The annual meetings shall aid in determining the fund transfers that are set in the annual meeting as described below.
2. Maintain a separate fund and detailed accounting records for each functional area and funding source covered by this agreement.
3. Be in compliance with all other provisions of this agreement.

##### B. Defense of Appeals/Liability

As described in paragraph II(A)(11) above, it is contemplated by the parties that LUBA or other court actions may arise from the review of development in the area subject to this agreement. The CITY will undertake responsibility for defense of such actions. The cost of such defense will be borne by either the CITY or the COUNTY or a combination thereof as provided for in this paragraph.

1. When the CITY receives notice from any party that a LUBA appeal, court action or other legal review of the CITY's authority is contemplated by that party, the CITY Community Development Director shall immediately notify the COUNTY Land Use and Transportation Director in writing. The Directors or their designee(s) shall confer to determine the source and nature of the requirement resulting in the disputed and the CITY's decision on whether or not to defend the action. The COUNTY shall have 10 days from the date of the CITY's notice in which to decide whether it wants the CITY to proceed in the defense of such action. If the COUNTY requests that the CITY proceed to defense where the CITY would otherwise elect not to do so, the COUNTY will fully reimburse the CITY for all costs of defense including direct and indirect costs. Similarly, if the

CITY believes it is important to proceed the defense where the COUNTY does not concur, the CITY will absorb the cost. In cases where both parties believe it is important to defend an action, the parties will share equally the cost of defense. The same process shall apply in all subsequent appeals from the LUBA or court decision. In all other cases, the parties will resolve the dispute over cost using the dispute resolution methods contained in this agreement. The parties here recognize that the intent is that the party creating the cost should bear responsibility for that cost.

2. For constitutional takings claims and inverse condemnation claims, including civil rights actions alleging a taking County shall indemnify City for City's acts or omissions to a maximum aggregate amount of \$500,000 on a "claims-made" basis. Claims must arise from acts or omissions occurring during the term of this Agreement and be actually received no later than two years after termination of this Agreement. This shall include defense costs, attorney fees and any settlements or judgments. Indemnification shall be on a 50/50 basis with the City participating in the first dollar of defense costs and any judgment or settlement, including attorney fees. In no event shall either party be responsible for any punitive damages awarded against the other party, its officers, employees or agents.

In the event any portion of the area covered by this Agreement annexes, County's obligation under this paragraph shall cease as to any claims arising from the annexed area after annexation is final. County shall bear full responsibility for claims resulting from its approval of development prior to the effective date of this Agreement.

3. Consistent with the hold harmless provisions of paragraph VI, it is the parties' intention that each be responsible for liability arising out of its own employees' acts.

4. On July 1, 1997, County shall create a \$500,000 insurance reserve fund or account dedicated exclusively to satisfying its obligations under paragraph (2) above. In no event shall County be responsible for any costs, damages, judgments, settlements, or attorney fees arising from or relating to the acts or omissions of City except to the extent of the remaining balance of this reserve. Notwithstanding termination of this Agreement, this reserve shall continue until either of the following occurs: The fund balance is expended in defense or on behalf of City as described in paragraph (2) above or all claims against City filed within two years of termination of this Agreement are finally resolved and paid.

Each fiscal year, County staff shall make a recommendation to the Board regarding availability of funds to replenish the reserve and the Board shall seriously consider such action. City may terminate this Agreement on 90 days' notice if County declines to replenish the reserve in any future budget year.

5. City shall confer with County at the first opportunity if City has reason to think that a land use application or decision of City is likely to be contested beyond the City's internal review process or may give rise to a claim for damages.

C. Dispute Resolution.

To the extent possible, COUNTY and CITY staff will observe the rules, standards and regulation reference by this agreement. In the case of a dispute about the terms of this agreement or how to effectuate this agreement, the COUNTY and CITY staff will immediately refer the dispute to the COUNTY Director of Land Use and Transportation and the CITY Community Development Director to resolve the dispute. If the Directors have not resolved the dispute within 30 days, the dispute shall be forwarded to the CITY and COUNTY Administrators. If the matter cannot be resolved by the Administrators within 30 days, it shall be forwarded to the Council and the Board for resolution. If the matter still cannot be resolved, the arbitration provisions of ORS 190.710-190.800 shall apply.

D. Amendments.

Requested amendments to this intergovernmental agreement shall be submitted in writing to both the COUNTY Land Use and Transportation Director and to the CITY Community Development Director with adequate explanations as to the necessity of such amendment. A decision by the Directors to either reject or accept the amendments must be made in no more than 30 days from the receipt of the request. After review and approval by the Directors, the amendments must be submitted to the CITY Manager and COUNTY Administrator for signature or presentation to the Board and Council.

The CITY Council and the COUNTY Board of County Commissioners grant authority to the CITY Manager and the COUNTY Administrator to make such changes as needed to this intergovernmental agreement to effectuate the intent and purpose of this agreement. For amendments that will result in a financial impact, the amount of the financial impact needs to be within the Administrator's and Manager's delegated authority. Any amendments outside this authority need to be made by the Council and the Board and must be submitted to the Board and Council within 90 days of the Administrator's or Manager's receipt of the proposed amendments.

E. Annual Review.

COUNTY and CITY will jointly conduct an annual review of this intergovernmental agreement beginning November 1 and ending no later than January 30 of each year to allow adjustments to upcoming COUNTY and CITY budgets. Such joint review shall include an evaluation of the effectiveness of the agreement, procedures, and the delivery of service in meeting the requirements of the agreement. The annual review shall also evaluate the costs of providing the services, reimburse the CITY for operating deficits described in section IV(A), and adjust such moneys that are transferred to the CITY to render services under this agreement. The CITY and COUNTY agree to take the results of this meeting, along with any amendments to the agreement made pursuant to paragraph D above, to their respective Board and Council within 30 days of such meeting. The Board and Council agree to take action on such request consistent with this agreement.

F. COUNTY will make changes in Article VIII of its Community Development Code (CDC) necessary to adopt changes in the CITY's development code as it applies to the area. COUNTY and CITY shall work together to ensure that all CITY code changes are promptly adopted by COUNTY.

G. The parties agree to coordinate planning efforts under Metro's 2040 Growth Concepts at a time mutually agreeable to the parties.

City shall maintain \$3,000,000 aggregate general, professional and automotive

liability insurance for claims arising from its acts and omissions in the area subject to this Agreement. County, its officers, employees and agents shall be named as an additional insured (except that County need not be named on professional insurance if that is unavailable). County shall pay to City the first year premium to a maximum of \$5,000.00. The premium for subsequent years shall be paid by City as an operating expense.

City shall periodically monitor the insurance market to determine if coverage for takings and inverse condemnation claims is available. If so, County may elect to pay the premium for said insurance in lieu of maintaining the insurance reserve provided for herein.

I. In the event City elects to terminate this Agreement prior to the end of the five (5) year term as provided for in section V, City agrees to return to County any equipment purchased with proceeds furnished by the County pursuant to this Agreement.

## V. TERM OF AGREEMENT

A. This agreement shall be effective upon execution by both parties and shall remain in effect for five (5) years, or until terminated by mutual agreement of both parties. By mutual agreement, this agreement may be extended for another five (5) years. Either party may terminate this agreement between the dates of March 1 and July 1 of any year with 90 days written notice to the other party.

B. The CITY shall be responsible for processing all permits or applications for this area which have not been completed at the time of the termination of this agreement.

C. Except for County's obligation to indemnify City for City's acts or omissions, the parties' obligations as regards LUBA cases and to indemnify and defend each other pursuant to Section VI shall survive termination as to any claim arising from the actions of either party during the term of this Agreement. County's obligations to indemnify City for City's acts or omissions shall survive only to the extent of claims within two years of the termination of this Agreement and to the extent of funds remaining in the insurance reserve.

## VI. HOLD HARMLESS

A. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, CITY shall hold harmless and indemnify COUNTY, its Commissioners, employees, and volunteers agents against any and all claims, damages, losses and expenses (including all attorney(s) fees and costs), arising out of or resulting from CITY's performance of this agreement where the loss or claim is attributable to the acts or omissions of the CITY, except as provided in section (IV)(B).

B. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, County shall hold harmless and indemnify CITY, its Councilors, employees, agents and volunteers against all claims, damages, losses and expenses (including all attorney fees and costs) arising out of or resulting from COUNTY's performance of this agreement where the loss or claim is attributable to the acts or omissions of COUNTY, except as provided in section (IV)(B).

## VII. GENERAL PROVISION

A. SEVERABILITY: COUNTY and CITY agree that if any term or provision of this contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular term or provision held to be invalid.

B. THIS AGREEMENT CONSTITUTES THE COMPLETE AND EXCLUSIVE STATEMENT OF THE AGREEMENT BETWEEN THE PARTIES RELEVANT TO THE PURPOSE DESCRIBED HEREIN AND SUPERSEDES ALL PRIOR AGREEMENTS OR PROPOSALS, ORAL OR WRITTEN, AND ALL OTHER COMMUNICATION BETWEEN THE PARTIES RELATING TO THE SUBJECT MATTER OF THIS CONTRACT. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THIS CONTRACT WILL BE BINDING ON EITHER PARTY EXCEPT AS A WRITTEN ADDENDUM SIGNED BY AUTHORIZED AGENTS OF BOTH PARTIES.

In WITNESS THEREOF, the parties have executed this Urban Services Intergovernmental Agreement on the date set opposite their signatures.

WASHINGTON COUNTY, OREGON

CITY OF TIGARD, OREGON

By \_\_\_\_\_  
Tom Brian  
Chairman, Board of County Commissioners

By \_\_\_\_\_  
James Griffith  
Mayor, City of Tigard

Date \_\_\_\_\_

Approved as to form:

Approved as to form:

\_\_\_\_\_  
County Counsel

\_\_\_\_\_  
City Attorney

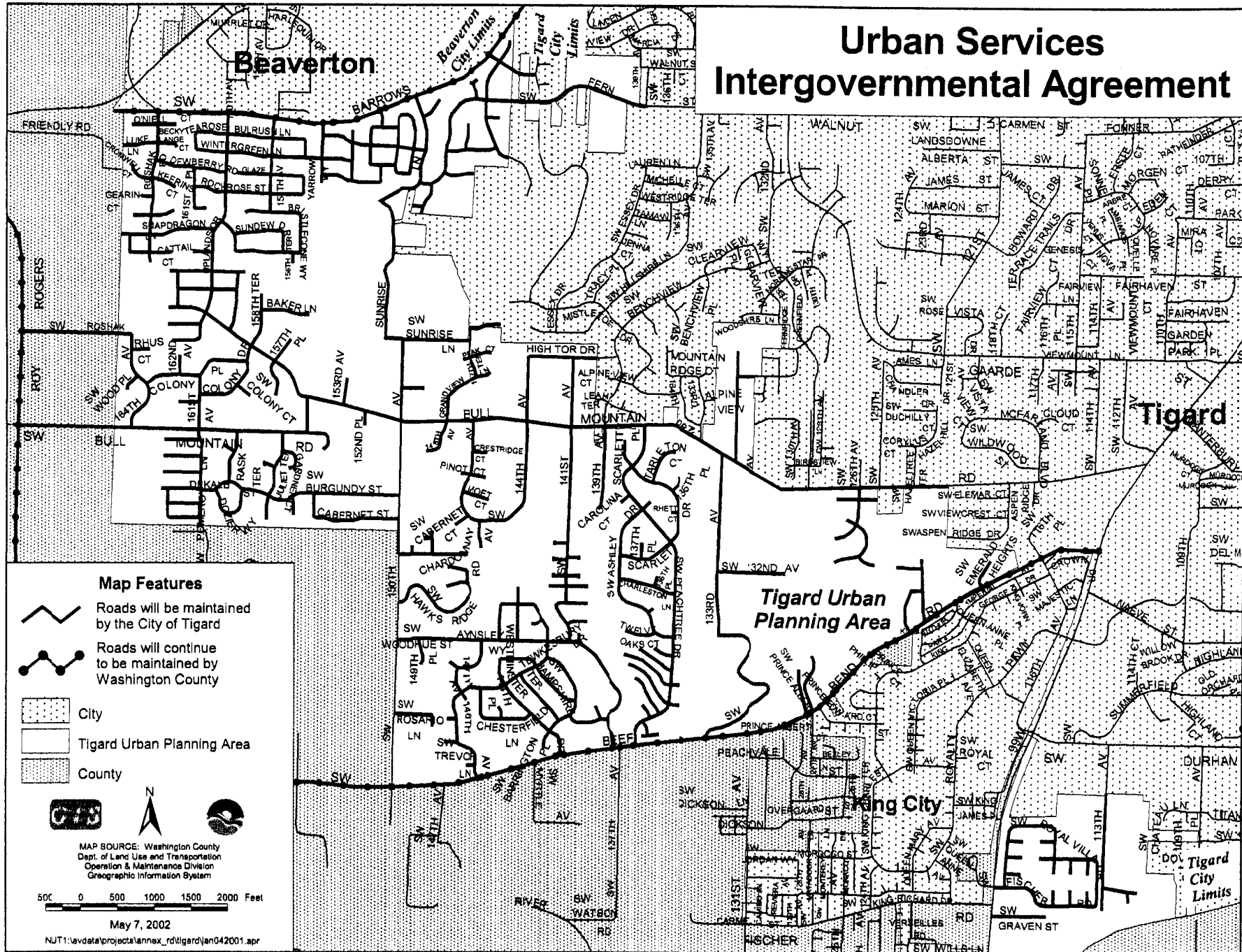
APPROVED WASHINGTON COUNTY  
BOARD OF COMMISSIONERS

MINUTE ORDER # \_\_\_\_\_

DATE \_\_\_\_\_

BY \_\_\_\_\_  
CLERK OF THE BOARD

# Urban Services Intergovernmental Agreement



## **EXHIBIT 2**

### **Urban Road Maintenance District**

CITY shall provide surface maintenance (asphalt overlays and seal coats) and improvements of URMD roads (minor collector, local and public) in accordance with the work program to be negotiated each year and the funding provided by the DISTRICT. DISTRICT shall provide all other routine maintenance. CITY shall be responsible for responding to citizen complaints from the area concerning road conditions and maintenance. CITY will forward to DISTRICT those complaints that are beyond the scope of this agreement.

CITY shall keep a distinct accounting of all expenditures for repairs and maintenance under this fund.

Annually the CITY shall receive from COUNTY an amount that will be negotiated between the parties for a work program for the following year. This amount shall be established during the annual meeting of the parties as specified in the agreement and will include the estimated cost of the work plus 8% for project design, administration and inspection. Payment shall be made by COUNTY within sixty days of July 1 each year for the duration of the agreement.

### **EXHIBIT 3**

#### **Road Fund Maintenance**

CITY shall provide surface maintenance (asphalt overlays and seal coats) and improvements of County roads (arterial and major collector) in accordance with the work program to be negotiated each year and funding provided by the COUNTY. COUNTY shall provide all other routine maintenance and traffic operations. CITY shall be responsible for responding to citizen complaints from the area concerning road conditions and maintenance. CITY will forward to COUNTY those complaints that are beyond the scope of this agreement.

CITY shall keep a distinct accounting of all expenditures for repairs and maintenance under this fund.

Annually, the CITY shall receive an amount that will be negotiated between the parties for a work program for the following year. This amount shall be established during the annual meeting of the parties as specified in the agreement and will include the estimated cost of the work plus 8% for project design, administration and inspection. Payment shall be made by COUNTY within sixty days of July 1 each year for the duration of the agreement, or sixty days after the date of agreement on the negotiated amounts, whichever is later.

## **EXHIBIT 4**

### **Traffic Impact Fees**

CITY shall assume responsibility for collecting traffic impact fees for the area as of date of the agreement. Funds shall be spent for projects in the area as determined by CITY working with the COUNTY in conjunction with the Washington County Coordinating Committee. A work program shall be established for the area by the parties for the area at the annual meeting of the parties. Funds allocated from the TIF shall used to finance the agreed upon work program.

CITY shall keep a subaccount of all expenditures for improvement made under this fund. CITY shall collect these fees and shall be responsible for all accounting and auditing for these fees.

## **EXHIBIT 5**

### **Code Enforcement**

CITY shall assume responsibility for code enforcement as of the date of this agreement. CITY shall enforce codes and respond to citizens complaints and prosecute violators for violations of Washington County Code Articles VIII and IX (Ordinances 487 and 488). CITY shall keep a log of all complaints and the response time to these complaints, as well as the results of the complaints. CITY shall keep all fines levied from violators.

## **EXHIBIT 6**

### **Building Permits**

City shall issue all building permits, for all activities requiring permits under the Building Codes and other CITY codes as adopted by COUNTY and perform all inspections in a timely manner. CITY shall assume responsibility for completing existing permits on the date of this agreement and all building permits requested for the area thereafter.

CITY shall keep an accounting of all funds collected and expenses in maintaining the building inspection program. Funds collected by CITY shall be used to operate the CITY building permit program for the area.

## **EXHIBIT 7**

### **Park System Development Charge**

If the City undertakes the preparation of an Annexation Plan for the Bull Mtn. area, which the voters approve, the County shall allow the City to collect a Park System Development Charge (SDC) for new development for the period between the approval date of the Annexation Plan and the effective date of the annexation. The initial SDC shall be the City's current rate at the time this provision is implemented, and may be adjusted according to the City's procedures for changes to the SDC. To the extent practicable, funds collected within the Bull Mtn. area shall be expended within the area.

# Proclamation

## National Alcohol and Drug Addiction Recovery Month

**WHEREAS**, on behalf of the citizens of Tigard, I am pleased to recognize September 2002 as National Alcohol and Drug Addiction Recovery month in Tigard; and

**WHEREAS**, acknowledging September 2002 offers individuals in the substance abuse treatment community an opportunity to educate the public and policymakers about the effectiveness of treatment, both societal and financial; and

**WHEREAS**, substance use and abuse is a major public health problem that affects millions of Americans of all ages, races, and ethnic backgrounds and in all communities and which has a huge medical, societal, and economic cost; and

**WHEREAS**, substance abuse is a treatable disease and treatment of addiction is as successful as the treatment of other chronic diseases such as diabetes, hypertension, and asthma; and

**WHEREAS**, thousands of health care providers have dedicated their lives to the recovery process and to the education of the public about alcoholism, drug dependence, and treatment issues.

**WHEREAS**, the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Treatment and the Office of National Drug Control Policy invite all residents of Tigard to participate in National Alcohol and Drug Addiction Recovery Month.

**NOW THEREFORE BE IT RESOLVED THAT I**, Mayor James Griffith, of the City of Tigard, Oregon, do hereby proclaim the month of September 2002 as

## National Alcohol and Drug Addiction Recovery Month

in Tigard, Oregon and encourage all citizens to support this year's theme – "Join the Voices of Recovery: A Call to Action." – by supporting men, women, and youth who are in drug and alcohol addiction treatment and recovery and their families.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

\_\_\_\_\_  
James Griffith, Mayor  
City of Tigard

**Attest:**

\_\_\_\_\_  
City Recorder

MINUTES  
TIGARD CITY COUNCIL MEETING  
June 25, 2002

Mayor Griffith called the meeting to order at 6:06 p.m.

Council Present: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla (6:11 p.m.).

EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:06 p.m. to discuss labor negotiations and current and potential litigation and under ORS 192.660(1d) and (1h).

Executive Session adjourned 6:25 p.m.

STUDY SESSION:

- ADMINISTRATIVE ITEMS:

- The Council indicated it did not wish to review Council Groundrules at this time.
  - Update on Skateboard Park Facility was deleted from the agenda. Council received an update on June 18, 2002.

- DISCUSSION OF 69<sup>TH</sup> AVENUE LOCAL IMPROVEMENT DISTRICT (LID) BOND

Finance Director Craig Prosser relayed only U.S. Bank was interested in providing financing for the \$1.3 million in assessments with 20-year financing and a prepayment option. He explained in today's market, banks didn't want to lend for such an extended time period. Specht Development, the majority property owner in the LID, has indicated they require the 20-year financing, despite the fact more favorable rates could be obtained if the life of the bonds was shortened. With an initial rate of 6.25 percent from the bank, and an additional 1.5 percent for City costs to administer the financing, the rate to property owners will be about 8.75 percent. Twelve property owners are involved in the LID; two have claimed financial hardship. One of these property owners is taking advantage of a senior assessment program through the State. There was a brief discussion of how financial arrangements with future LID participants would be handled.

- DISCUSS DESIGN/BUILD & TRADITIONAL CONSTRUCTION PROCESS FOR THE LIBRARY

City Engineer Gus Duenas described the types of project delivery methods being considered for construction of the new library. A memo and a Construction Procurement Strategy Analysis and Recommendation from Mr. Duenas was included in the Council packet and is on file in the City Recorder's office. Mr. Duenas stated the Construction Manager/General Contractor method was the method he preferred. He relayed this method would add reality to the design, offer a more collaborative working atmosphere, and would enable the City to know the project's maximum cost earlier in the process than the other methods. He added this method was best suited to completing the project under budget and on time, and the method had been used with similar projects in the area. Mr. Duenas added this method would not eliminate the need for an owner's representative.

Mr. Duenas explained using the Construction Manager/General Contractor method would require 14-day notice and a public hearing. The Council concurred with Mr. Duenas' recommendation. He indicated he would schedule the hearing and formal action for the July 23 Council meeting.

- ADMINISTRATIVE ITEMS:

- City Manager Monahan briefed the Council on a possible visitor's agenda topic – neighbors blocking off a cul-de-sac for a fireworks party.
- City Manager Monahan distributed a Memorandum of Understanding Addendum No. 1 (work plan) with the Government of Kota Samarinda, Indonesia for the International Resource Cities Program. He briefed the Council on the Indonesian delegation's visit and the upcoming reception.

Meeting recessed at 7:00 p.m. in order for the Council to attend a reception with the Indonesian delegation.

Meeting reconvened at 7:32 p.m.

1. BUSINESS MEETING

- 1.1 The meeting of the Tigard City Council & Local Contract Review Board was called to order by Mayor Griffith at 7:32 p.m.
- 1.2 Council Present: Mayor Griffith, Councilors Dirksen, Moore, Patton, and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports – None
- 1.5 Call to Council and Staff for Non-Agenda Items

City Manager Bill Monahan stated item number seven had been removed from the agenda, as the Council had heard information on this topic at a recent meeting.

*Note: Item 2 was heard after item 3*

2. SWEAR IN POLICE CAPTAIN

- Alan Orr, newly hired Police Captain, was introduced and sworn-in by Police Chief Ron Goodpaster.

3. INTRODUCE INDONESIAN DELEGATION AND SIGN WORKPLAN (MEMORANDUM OF UNDERSTANDING)

City Manager Bill Monahan described the International Resource Cities Program. He introduced the five Indonesian visitors in attendance: Mochdar Hasan, Ali Fitri Noor, Rusman Yakub, Rosita Hafiedz, and Sopialena, a representative from the ICMA. Risk Manager Loreen Mills detailed the highlights of the Memorandum of Understanding (MOU). Mr. Yakub, Mr. Monahan, and Mayor Griffith signed the MOU. Mr. Hasan, on behalf of the Samarinda local government, expressed his thanks.

*Note: Item 2 was heard at this time*

4. VISITOR'S AGENDA

- Chris Garsteck, 11774 SW 125<sup>th</sup> Court, Tigard – Ms. Garsteck spoke in favor of the Summerlake Master Plan and advocated for the proposed dog park.

- Michelle Sittel, 17085 SW Eldorado, Tigard – Ms. Sittel also spoke in favor of the Summerlake Master Plan and the proposed dog park.

5. CONSENT AGENDA:

Motion by Councilor Dirksen, seconded by Councilor Scheckla, to approve the Consent Agenda as follows:

- 5.1 Receive and File: Canvass of Votes for Measure 34-47, Relating to the Election on May 21, 2002
- 5.2 Authorize the Issuance of a Limited Tax Improvement Bond for the 69<sup>th</sup> Avenue Local Improvement District – Resolution No. 02-39
- 5.3 Reappoint Mike Benner to the Budget Committee and Appoint Tom Woodruff as Alternate to the Budget Committee; Reappoint Jane Smith to the Library Board and Appoint Suzan Turley as Alternate to the Library Board – Resolution No. 02-40

The motion was approved by a unanimous vote:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

Jane Smith, newly appointed Library Board member, and Tom Woodruff, newly appointed alternate to the Budget Committee, were in the audience and were recognized by the Council.

6. CONSIDER AN ORDINANCE APPROVING THE AT&T MERGER WITH COMCAST

- a. Assistant to the City Manager Liz Newton previewed the staff report and reminded the Council that this item had been discussed at an earlier meeting. She added the Metropolitan Area Communications Commission recommended passage of the ordinance and Tigard was the last jurisdiction to consider the merger. Councilor Scheckla, who serves on the Commission, indicated that all issues surrounding the merger had been resolved.

- b. Motion by Councilor Scheckla, seconded by Councilor Dirksen, to adopt Ordinance No. 02-24.

ORDINANCE NO. 02-24 – AN ORDINANCE CONSENTING, WITH CONDITIONS, TO THE CHANGE OF CONTROL OF AT&T CORP., THE INDIRECT PARENT COMPANY OF TCI CABLEVISION OF TUALATIN VALLEY, INC. AND DECLARING AN EMERGENCY

The motion was approved by a unanimous vote:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

#### 7. UPDATE ON THE SKATEBOARD PARK FACILITY

*Note: Item #7 was removed from the agenda*

#### 8. ACCEPT BONITA PARK MASTER PLAN AND SELECT A NAME FOR THE PARK

- a. Parks Manager Dan Plaza introduced this item and gave a PowerPoint presentation. His staff report and presentation are on file in the City Recorder's office.
- b. A discussion occurred whereby Mr. Plaza stated temporary restroom facilities could be put in prior to the installation of more sophisticated restroom facilities.

- c. Motion by Councilor Moore, seconded by Councilor Patton, to accept the Master Plan.

The motion was approved by a unanimous vote:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

- d. Motion by Councilor Moore, seconded by Councilor Patton, to name the new park located at Bonita and Milton Court "Bonita Park."

The motion was approved by a unanimous vote:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

## 9. ACCEPT SUMMERLAKE MASTER PLAN

- a. Parks Manager Dan Plaza introduced this item and gave a PowerPoint presentation. Mr. Plaza described the proposed features and development projects in the west, central and east sections of the park. His staff report and presentation are on file in the City Recorder's office.
- b. Discussion of new parking spaces ensued. Mayor Griffith commented he liked the new parking space location because the off-street parking provided safer access to the children's play area.

Councilor Dirksen noted the north side of the park was not addressed in the Master Plan. Mr. Plaza indicated an additional Master Plan would be needed to address this area.

- c. Motion by Councilor Dirksen, seconded by Councilor Patton, to approve the Summerlake Master Plan as presented.

The motion was approved by a unanimous vote:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

10. PUBLIC HEARING (LEGISLATIVE) – CULTURAL INSTITUTION ZONE ORDINANCE AMENDMENT (ZOA2002-00002)

**REQUEST:** A request to amend Table 18.510.1 of the Tigard Development Code to allow cultural institutions to be allowed as a conditional use within the R-12 zoning district. **LOCATION:** Citywide. **ZONE:** N/A. **APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1, 8, 9, 10 and 11; Comprehensive Plan Policies 1.1.1, 2.1.1, 2.1.2, 2.1.3, 5.1 and 12.4.1; and Community Development Code Chapters 18.380, 18.390 and 18.510.

- a. Mayor Griffith opened the public hearing.
- b. Associate Planner Brad Kilby presented the staff report. He noted the Planning Commission unanimously approved the recommendation to conditionally permit cultural institutions within R-12 zoning. He added surrounding jurisdictions permit similar buildings within residential zones. Mr. Kilby provided the definition of a cultural institution, "Public or non-profit cultural facilities including libraries, museums, and galleries," from Tigard Development Code Chapter 18.130.
- c. Public Testimony: None.
- d. Staff recommended the Council adopt the proposed ordinance.
- e. Mayor Griffith closed the public hearing.

- f. Motion by Councilor Patton, seconded by Councilor Moore, to adopt Ordinance No. 02-25

ORDINANCE NO. 02-25 – A ZONE ORDINANCE AMENDMENT (ZOA2002-00002) TO AMEND THE LANGUAGE OF THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.510 (TABLE 18.510.1) TO CONDITIONALLY PERMIT CULTURAL INSTITUTIONS IN THE R-12 ZONING DISTRICT

The motion was approved by a unanimous vote:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

11. CONSIDER AN AMENDMENT TO THE CURRENT WATER RATE SCHEDULE AND ADOPT A THREE-YEAR RATE SCHEDULE THAT REFLECTS THE INCREASES ASSOCIATED WITH PROVIDING WATER SERVICE

- a. Utility Manager Dennis Koellermeier introduced this item and gave a PowerPoint presentation. His staff report and presentation are on file in the City Recorder's office. The proposed increases were as follows: 10 percent in 2002, 6 percent in 2003, and 6 percent in 2004.
- b. Mayor Griffith clarified these rate increases are the result of increases in the cost of water purchased by the City. Councilor Patton, who serves on the Intergovernmental Water Board, stated the Board agreed with the staggered methodology of the increase. A discussion regarding the accelerated construction of the City's water reservoir on the Alberta Rider school property and its impact on existing capital improvement projects and the reserve account ensued.

It was noted the multi-family rates listed on Exhibit A of the Fees and Charges Schedule were in error.

Councilor Patton stated the cost for water and water service was going to be very expensive in the coming years.

- c. Motion by Councilor Patton, seconded by Councilor Dirksen, to adopt Resolution No. 02-41

RESOLUTION NO. 02-41 – A RESOLUTION AMENDING RESOLUTION 02-06 BY AMENDING EXHIBIT A THERETO AND INCREASING CERTAIN CHARGES IMPOSED FOR WATER

The motion was approved by a unanimous vote:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

*Recorder's Note: Incorrect multi-family rates (noted in discussion above) on Exhibit A, Fees and Charges Schedule, were corrected to reflect the appropriate percentage increases on the final document.*

12. PUBLIC HEARING (INFORMATIONAL) TO CONSIDER ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 24 – SW GAARDE STREET

- a. Mayor Griffith opened the public hearing.
- b. Project Engineer Greg Berry summarized this item and gave a PowerPoint presentation. His staff report and presentation are on file in the City Recorder's office. Since the size of the lots vary greatly, Mr. Berry proposed the cost of the project be divided proportionately among property owners. He continued by describing the highlights of incentive plan. He indicated this project needs to be completed in advance of upcoming street improvements.
- c. Public Testimony: None.
- d. Staff recommended the Council adopt the proposed resolution.
- e. Mayor Griffith closed the public hearing.

- f. Motion by Councilor Moore, seconded by Councilor Patton, to adopt Resolution No. 02-42

RESOLUTION NO. 02-42 – A RESOLUTION ESTABLISHING  
SANITARY SEWER REIMBURSEMENT DISTRICT NO. 24 (GAARDE  
STREET)

The motion was approved by a unanimous vote:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

13. PUBLIC HEARING (INFORMATIONAL) TO CONSIDER ESTABLISHING  
SANITARY SEWER REIMBURSEMENT DISTRICT NO. 26 – SW 121<sup>ST</sup> AVENUE  
SOUTH OF ROSE VISTA DRIVE

- a. Mayor Griffith opened the public hearing.
- b. Project Engineer Greg Berry summarized this item and gave a PowerPoint presentation. His staff report and presentation are on file in the City Recorder's office. He indicated this project needs to be completed in advance of upcoming street improvements. Councilor Patton clarified that since the estimated cost per owner was in excess of \$15,000, each owner's portion would be \$8,280 if they connect within three years. Other connection and inspection fees would also apply.

- c. Public Testimony: None.

Mr. Berry noted he had spoken to the individual who had signed the testimony sheet and had answered her questions.

- d. Staff recommended the Council adopt the proposed resolution.
- e. Mayor Griffith closed the public hearing.

- f. Motion by Councilor Moore, seconded by Councilor Dirksen, to adopt Resolution No. 02-43

RESOLUTION NO. 02-43 – A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 26 (SW 121<sup>ST</sup> SOUTH OF ROSE VISTA DRIVE)

The motion was approved by a unanimous vote:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

14. PUBLIC HEARING – CONSIDER PROPOSED ASSESSMENT INCREASE FOR THE METZGER PARK LOCAL IMPROVEMENT DISTRICT (LID)

- a. Mayor Griffith opened the public hearing.
- b. City Manager Bill Monahan explained Washington County had requested the Council consider this item. Metzger Park Local Improvement District was formed in 1977. Since that time, nearly half of the area has been annexed into the City of Tigard. As a result, the proposed increase must be approved by the City and the County. Mr. Monahan explained the proposed increase was from \$.104 per \$1,000 assessed value to \$.156 per \$1,000 assessed value. The increase would result in a \$30,000 overall increase.

Mr. Monahan introduced Washington County Facilities Manager Larry Eisenberg. Mr. Eisenberg talked about the rationale for the increase and how the funds would be allocated. He stated the increase would provide for the long-term stability of the park and would enable the County to prepare for the future needs of the park.

- c. Public Testimony

Michael Donovan, 8080 SW Larch Street, Tigard – Mr. Donovan, Chairperson of the Metzger Park Advisory Board, spoke in support of the increase. Mr. Donovan described a new play structure and some of the activities that take place at the park. He stated the park funds were managed

judiciously and it was prudent to plan for the future. He noted that out of 2,500 notifications, only four remonstrances were received.

Mayor Griffith inquired if Chris Wayland of Washington County Parks wished to comment. Mr. Wayland indicated he was on-hand to answer any questions the Council might have.

A brief discussion of how the LID was managed with other jurisdictions ensued.

- d. Staff recommended the Council adopt the proposed resolution.
- e. Mayor Griffith closed the public hearing.
- f. Motion by Councilor Scheckla, seconded by Councilor Dirksen, to adopt Resolution No. 02-44

RESOLUTION NO. 02-44 – A RESOLUTION OF THE CITY OF TIGARD APPROVING AN INCREASE IN THE LOCAL IMPROVEMENT DISTRICT (LID) ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF METZGER PARK

The motion was approved by a unanimous vote:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

## 15. COUNCIL LIAISON REPORTS

Councilor Dirksen reported the next Commuter Rail meeting was scheduled for Thursday at 6:30 p.m. in Town Hall.

Councilor Patton reported she would be attending a regional water meeting regarding the proposed Bull Run Drinking Water Agency on Thursday.

## 16. NON AGENDA ITEMS

Councilor Dirksen suggested the Council respond to an NLC Action Alert regarding a proposed bill that would pre-empt state and local laws on collective bargaining for public safety employees. Council agreed a letter of opposition would be appropriate. Mr. Monahan stated he would draft the letter for the Mayor's signature.

17. EXECUTIVE SESSION: No Executive Session was held.

18. ADJOURNMENT: 9:15 p.m.

Attest:

Greer A. Gaston, Deputy City Recorder

Mayor, City of Tigard

Date: \_\_\_\_\_

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COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
July 9, 2002

Mayor Griffith called meeting to order at 6:30 p.m.

Council Present: Mayor Griffith; Councilors Moore, Patton, and Scheckla.

➤ BRIEFING ON THE URBAN GROWTH BOUNDARY (UGB) REVIEW  
PROCESS BY METRO STAFF

Metro Representatives Present: Brenda Bernards, Senior Regional Planner; Lydia Neill, Principal Regional Planner; David Bragdon, Metro Councilor; and Carl Hosticka, Metro Councilor.

Metro Councilor David Bragdon introduced this topic. Metro is currently reviewing the 20-year land capacity of the UGB. Three of these sites are near Tigard boundaries with two sites (identified as Tier One, Areas 63 and 64) as being the most likely to be eventually added to the City of Tigard. Area 65 is adjacent to King City. Council received written information from Community Development Director Hendryx reviewing the issues associated with this potential expansion:

1. Allow for park acreage in the expansion areas when projecting future densities.
2. Allocate acreage for parks-deficient Bull Mountain in the expansion areas.
3. Create a mechanism to pay for parks in expansion areas.

Metro Representatives discussed with the Council the policy issues for which they would like input including:

- How much of the future growth should be accommodated within the UGB (increased densities within town centers and along corridors)?
- What are the concerns about the maintenance of separation between communities (referred to Sherwood, Tualatin, and Wilsonville)?
- Should most of future expansion occur in a single area or should it be assigned piecemeal?
- Should needs that develop because of growth be addressed on a regional or sub-regional basis?

After discussion, the summary of the key points brought out included the following:

- the City would most likely ultimately have the planning authority for Tier 1 areas 63 and 64
- the City would like to see a requirement that areas must annex before development occurs
- the City would like for Metro to formally acknowledge that areas identified as residential also will need to provide for commercial and industrial sites to provide service or employment to the residents
- the City does not want new regulations to be imposed on Town Centers, since opening up a new public hearing process before the newly established Town Centers have time to evolve would be detrimental to the regional center concept
- the City would like Metro to support parks system development charges on a uniform basis
- there is a deficiency of large-lot industrial areas in the region and sites need to be identified for this use in Metro's study area
- the Bull Mountain area will likely become part of the City of Tigard in the future (a question of "when?") – a survey is now being conducted about the question of annexing this area and the Tigard Council will have some information in August about whether annexation will occur in the near future

In August, Mike Burton, Metro Executive Director, will make a recommendation to the Metro Council about whether there is sufficient capacity within the current UGB to meet growth needs. It is suspected that additional land will be needed to accommodate the growth. After Mr. Burton submits his report, the Metro Council will begin its review. Additional technical information will be released in about two weeks.

## 1. BUSINESS MEETING

- 1.1 Call to Order – Mayor Griffith called the City Council & Local Contract Review Board to order at 7:35 p.m.
- 1.2 Roll Call: Mayor Griffith; Councilors Moore, Patton and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports:

Mayor noted he had received a number of compliments about the Tigard Balloon Festival and 4<sup>th</sup> of July events.

- 1.5 Call to Council and Staff for Non-Agenda Items: None

## 2. VISITOR'S AGENDA

- Pavel Goberman, P O Box 1664, Beaverton, Oregon, noted that he had been a candidate for the Bureau of Labor and that he plans to run against Senator Wyden in 2004. Mr. Goberman said he was a fitness instructor. He would like to give speeches for educational purposes to citizens about health and fitness activities; however, library staff would not give him permission to lecture in a room at the library. He noted that he has been able to do this at other libraries in the area. Assistant to the City Manager Newton said she would have staff determine what the differences are between Tigard's policies relating to programming or use of rooms and other area libraries.

## 3. CONSENT AGENDA: Motion by Councilor Scheckla, seconded by Councilor Patton to approve the Consent Agenda as follows:

- 3.1 Approve Council Minutes for June 11 and June 18, 2002
- 3.2 Receive and File:
  - a. Council Calendar
  - b. Tentative Agenda
- 3.3 Local Contract Review Board:
  - a. Award Contract for Construction of O'Mara Street Sanitary Sewer Reimbursement District No. 23 to Fisher Construction, Inc.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

## 4. BRIEFING ON "CELEBRATE OUR COMMUNITY" EVENTS

Assistant to the City Manager Newton presented the staff report on this item. Council consensus was to support the proposed events and for staff to proceed with planning. The events are briefly described as follows:

Events of September 11, 2001 impacted local communities, including Tigard, in addition to the devastation and tragedy experienced in New York City and Washington D.C. Plans are being made nationally and locally to provide opportunities to respectfully commemorate the first anniversary of that date. There will be a variety of events on Wednesday, September 11, and volunteer projects in local communities September 11 – September 14. The City of

Tigard staff has done some preliminary planning for a community gathering in the evening of September 11 at Cook Park and for volunteer opportunities on Saturday, September 14. Three volunteer projects are set on 14<sup>th</sup> at Summerlake Park. The most significant activity on September 14<sup>th</sup> would be planting a grove to trees in Summerlake Park, which would serve as a permanent commemoration of this event and a tribute to the Tigard community. Other volunteer activities would include planting trees and shrubs in Fanno Creek Park and improving the riparian area.

## 5. POLICE DEPARTMENT OVERVIEW

Chief Ron Goodpaster reviewed a PowerPoint slide presentation, highlighting the activities of the Police Department.

After the presentation, in response to Council member questions, Chief Goodpaster reported that the main issue at Washington Square is theft related. Chief Goodpaster advised that he has been talking with Washington Square representatives about establishing a substation in the Center for an officer outpost. He reported that the Department works closely with Washington Square security personnel.

Chief Goodpaster said Tigard police offers do not work traffic patrol on I-5, but assist other law enforcement officers as needed on this highway.

## 6. PUBLIC HEARING TO CONSIDER AN ORDINANCE REPEALING TIGARD MUNICIPAL CODE CHAPTER 11.05 PERTAINING TO RESIDUAL SOLID WASTE

- a. Mayor Griffith opened the public hearing
- b. Finance Manager Tom Imdieke presented the staff report, which is on file in the City Recorder's office.
- c. There was no public testimony.
- d. Staff recommended repealing Tigard Municipal Code Chapter 11.05 relating to residual solid waste because of a recent decision by the United States Court of Appeals for the Ninth Circuit Court.
- e. Mayor Griffith closed the public hearing.

- f. Motion by Councilor Moore, seconded by Councilor Patton, to adopt Ordinance No. 02-26.

ORDINANCE NO. 02-26 – AN ORDINANCE REPEALING TIGARD MUNICIPAL CODE CHAPTER 11.05 RELATING TO RESIDUAL SOLID WASTE.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

7. CONSIDER AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 1.16 PERTAINING TO CIVIL INFRACTIONS, AND DECLARING AN EMERGENCY

Housing Inspector Albert Shields, Code Compliance Specialist Christine Darnell, Court/Records Manager Nadine Robinson, and Hearings Officer Michael O'Brien reviewed the staff report and presented the rationale behind the staff's proposal for the proposed ordinance to update Chapter 1.16 – Civil Infractions. The amendments to the Code will allow the use of a short form citation, add a "first court appearance" (similar to traffic court), and allow an increase in penalties for first-time offenders.

Motion by Councilor Scheckla, seconded by Councilor Patton, to adopt Ordinance No. 02-27.

ORDINANCE NO. 02-27 – AN ORDINANCE AMENDING CHAPTER 1.16, CIVIL INFRACTIONS, OF THE TIGARD MUNICIPAL CODE AND DECLARING AN EMERGENCY.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

8. PUBLIC HEARING (INFORMATIONAL) TO CONSIDER ESTABLISHING  
SANITARY SEWER REIMBURSEMENT DISTRICT NO. 25 – CARMEN STREET

- a. Mayor Griffith opened the public hearing.
- b. Project Engineer Greg Berry presented the staff report on this item, which if approved would establish Sanitary Sewer Reimbursement District No. 25. After a brief discussion with Councilor Scheckla, Mr. Berry advised staff uses the tax assessment rolls to contact property owners and staff will recheck to make sure the list is current. A copy of the staff report is on file in the City Recorder's office.
- c. Public Testimony:
  - Mr. Henry Tieman, 12025 SW Carmen Street, Tigard, Oregon. Mr. Tieman noted a concern about the number of houses that are below street grade and also that there have been lengthy power outages in this area in the past. He asked if a pump would be necessary for these properties. Mr. Berry advised that the sewer would be constructed to utilize gravity flow and pumping would not be necessary.
- d. Staff recommended that the Council adopt the proposed resolution, which would form Reimbursement District NO. 25.
- e. Mayor Griffith closed the public hearing.
- f. Motion by Councilor Moore, seconded by Councilor Patton, to adopt Resolution No. 02-45.

RESOLUTION NO. 02-45 – A RESOLUTION ESTABLISHING  
SANITARY SEWER REIMBURSEMENT DISTRICT NO. 25 (CARMEN  
STREET)

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

9. COUNCIL LIAISON REPORTS: None.

10. NON AGENDA ITEMS: None.

11. EXECUTIVE SESSION: Not held.

12. ADJOURNMENT: 8:59 p.m.

Attest:

\_\_\_\_\_  
Catherine Wheatley, City Recorder

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
July 16, 2002

1. WORKSHOP MEETING

- 1.1 Mayor Griffith called the meeting to order at 6:34 p.m.
- 1.2 Council Present: Mayor Griffith; Councilors Moore, Patton and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non Agenda Items

Assistant to the City Manager Liz Newton called to Council's attention the invitation to the Potso Dog Park grand opening to be held on Saturday, July 20, 2002, 11 a.m. The park is located behind Coe Manufacturing Company at 7930 SW Hunziker Road in Tigard.

2. UPDATE ON WASHINGTON SQUARE REGIONAL CENTER FINANCING STRATEGY AND PROGRAM

Community Development Director Jim Hendryx introduced this agenda item and reviewed a chart showing the timeline for implementation. A copy of the timeline was submitted in the City Council packet material and is on file in the City Recorder's office.

Planning Manager Barbara Shields reviewed a chart outlining "Washington Square Regional Center Available Funds and Major Policy Questions." A copy of this chart is on file in the City Recorder's office. Ms. Shields also reviewed the "Steps to take to fill the gap," which included evaluating existing fees, look at potential new fees, and to consider urban renewal.

Associate Planner Julia Hajduk reviewed a PowerPoint slide presentation. This presentation on the financing strategy update is on file in the City Recorder's office.

Mayor Griffith asked about another major shopping center at the Durham Quarry that is being planned in the Tigard/Tualatin area. He questioned whether there would be

any obligation for similar planning as is being done for the Washington Square area. Mr. Hendryx said that, for the most part, the developer would be responsible for this development. Transportation impact fees might be allocated to adjacent roads for the Durham quarry site; however, it is not considered a Metro regional center.

In response to a question from Councilor Scheckla, Mr. Hendryx advised that the City of Tigard took the lead on the Washington Square Regional Center project. Washington County and Beaverton have an obligation to go through a public process, with the ultimate decision to be made by Metro on whether the compliance for capacity and elements of the functional plan have been met.

Council discussion was held throughout the presentation. It was suggested that, while it will be next spring before Washington County and Beaverton holds their hearings on the Center, it would be best for Tigard to keep moving forward developing a financing strategy plan.

In August, the City Attorney will conduct a training session for the City Council on urban renewal.

Council direction was requested and given as follows:

- *Do we continue to develop partnerships and take coordination lead to fund the Regional Center Plan?*

Council consensus was to continue.

- *General support for financing strategy.*

Council concurred with the general strategy presented by staff. Some reservations were expressed about urban renewal and this will be reviewed further with the City Attorney in August. Consensus was it was far too early to make any decisions. Staff will bring back a general strategy of what work needs to be accomplished with Beaverton and Washington County and a work program will be developed.

- *Should we begin looking at existing fees to determine if fees are adequate?*

The consensus of Council on this question was "yes." New ideas may be generated during the review of the existing fees.

Mr. Hendryx said the next steps would include a review of urban renewal at the August workshop meeting. In the coming months, staff will work with Beaverton and Washington County on the funding review.

In response to a request from Councilor Scheckla, Mr. Hendryx said he would share information with the Council on Washington County's review as it is submitted to the Tigard staff.

### 3. UPDATE ON THE STREET MAINTENANCE FEE

City Engineer Gus Duenas introduced this agenda item. Also attending were Bev Froude and Paul Owen, the Chair and Vice Chair of the Transportation Financing Strategies Task Force.

Mr. Duenas reviewed the process. So far, input had been gathered from three businesses: PacTrust, Washington Square and Fred Meyer. PacTrust understood the need for maintenance of the City streets and fully supported the implementation of the street maintenance fee. Mr. Jack Reardon of Washington Square properties also understood the need for maintenance of the street infrastructure, but was concerned about the fees. Mr. Reardon felt residents should bear a greater portion with a corresponding reduction on the businesses. As property manager for Washington Square, he could not support fees that would be passed on to the tenants. Representatives of Fred Meyer would prefer this type of fee be addressed on a statewide basis.

There are four elements to Tigard's proposed street maintenance fee:

1. Street maintenance
2. Street lights/traffic signals
3. Collector right-of-way maintenance
4. Sidewalk maintenance

Mr. Duenas said staff would continue to seek input from the business community.

There was a brief Council discussion on other jurisdictions that have either implemented or were considering a street maintenance fee, including Tualatin, Eugene, Wilsonville, and Clackamas County.

Ms. Froude said it was interesting to visit with the businesses and to hear their viewpoints. Many of the main roads to these businesses are state highways.

Mr. Duenas advised that other cities that have adopted this type of fee have done so by Council action.

Staff will also review whether "pass by" trips should be a factor in how the fees are formulated. "Pass by" trips are those not necessarily generated by a business, rather customers stop to purchase gas or fast food on their way to another destination.

Presently Tigard's proposed maintenance fee would be \$2.25 to \$2.30 per month. Monthly fees in other jurisdictions range from \$1.42 to more than \$5.

Council discussed that the street maintenance fee could serve to meet the needs of what the gas tax was intended to do. Also, through better street maintenance more expensive capital improvement projects could be delayed.

Paul Hunt, citizen from the Summerfield community, asked to comment. Mr. Hunt advised he was offering his opinion as an individual and not as a representative of the Summerfield Civic Association. (A written copy of Mr. Hunt's remarks is on file with the City Recorder.)

Mr. Hunt prefaced his comments on the street maintenance program by complimenting the efforts and the strategies employed that resulted in a positive vote on the May library bond measure. He also noted his appreciation for the upgrades to Cook Park including the Bishop Scheckla Pavilion, the Tupling Butterfly Garden, and the children's play area.

Mr. Hunt noted the following concerns about the proposed street maintenance fee:

1. He said it appears that the Council decision on a street maintenance fee was delayed until after the May election where voters were asked to consider the library bond measure. He said this type of action does not build trust and confidence in the City and Council.
2. He objected to what he called a "user's fee," when the fee charged will not benefit all the ratepayers equally.

Mayor Griffith thanked Mr. Hunt for his comments and noted there will be a public hearing held on the matter.

Council consensus was to proceed with a public hearing on August 27. Staff will propose that the fee, if approved, would not be implemented until January 1, 2003. The Task Force recommended that the City Council proceed with all four elements of the street maintenance fee.

4. COUNCIL LIAISON REPORTS: None
5. NON-AGENDA ITEMS: None
6. EXECUTIVE SESSION: Not held.

7. ADJOURNMENT: 8:04 p.m.

Attest:

\_\_\_\_\_  
Catherine Wheatley, City Recorder

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
July 23, 2002

Mayor Griffith called the meeting to order at 6:32 p.m.

Council Present: Mayor Griffith; Councilors Moore, Patton and Scheckla

- STUDY SESSION

- > PRELIMINARY RESULTS OF BULL MOUNTAIN ANNEXATION SURVEY DISCUSSION

Community Development Director Hendryx reviewed this item with the City Council. The consultant has completed 305 surveys regarding the question of support for annexation of some of the Bull Mountain area to the City of Tigard. Approximately one-half of the people surveyed lived in the City and one-half on Bull Mountain. Results are now being tabulated with a more comprehensive report delivered to the Council at its August 20 meeting.

Initial observations included that Tigard residents are more supportive (fairness issue: using and paying for services received) of annexation than are the Bull Mountain residents who were surveyed. Bull Mountain residents indicated a satisfaction with services received from Washington County and only a few people cited a deficiency in parkland as a concern. Mr. Hendryx advised that an educational component is needed for residents to understand the annexation process and services offered by the County and those offered by the City. Also, the County wants to get out of the business of offering urban services.

When the Council reviews the results of the survey on August 20, County Administrator Charles Cameron will be present to participate. Board Chair Tom Brian may also attend on the 20<sup>th</sup>.

Other issues impacted by the Council decision whether to pursue annexation include parks system development charges (now not being collected for unincorporated area of Bull Mountain), whether to continue with individual annexations, the City/County urban services agreement, and the urban growth boundary potential expansion.

> CITY AFFORDABLE HOUSING PROGRAM DISCUSSION

Community Development Director Hendryx reviewed the key points with regard to the Tigard Affordable Housing Program for land use strategies and non-land use strategies implemented. A copy of the chart reviewed by Mr. Hendryx is on file in the City Recorder's office.

The Council had received a copy of the draft Affordable Housing Program report in its Council packet and a copy is on file in the City Recorder's office. Mr. Hendryx reviewed the next steps that were outlined in the report, which included:

- Adopt standards for request for funds from the newly established set-aside to offset fees and charges on affordable housing development.
- Complete and submit Metro-required 2003 and 2004 affordable housing progress reports.
- Continue to provide support of the donation or reduced price sale of tax foreclosed and surplus properties to non-profit affordable housing providers.
- Provide yearly updates to Council on the affordable housing program.

> NEW LIBRARY FINANCING OPTIONS UPDATE

Finance Director Prosser reviewed with the City Council the financing options for constructing the new Tigard Library.

The Oregon Economic and Community Development Department (OECDD) contacted the City and offered to provide financing for this project through the Oregon Bond Bank. Mr. Prosser reviewed with the Council the pros and cons (list is on file in the City Recorder's office) for City-issued GO bonds vs. OECDD loan. After discussion, Council members supported the staff recommendation of proceeding with a loan from OECDD with certain conditions, primarily that the City receive all funds at the time of the bond sale and that the OECDD reporting requirements are simplified.

Mr. Prosser also advised Council that it has been called to his attention that HB 2014, passed in the last regular legislative session, has established a regulation that price cannot be used as a criterion in competitive bidding for awarding bids to architects, land surveyors, and engineers. Mr. Prosser advised that an addendum to a recent request for bids for architect/engineer, contract manager services was issued to note that price was removed from the bid-award selection criteria.

Staff has targeted the August 27, 2002, City Council meeting as the date for the Council public hearing and final decision on this matter.

> ADMINISTRATIVE ITEMS

- City Manager Monahan noted there is a problem with notification regarding two properties that will be affected by the public hearing scheduled as Agenda Item No. 7 for certain MUR 1 or 2 properties. Staff is recommending that the hearing be opened tonight and Council may want to hear the staff report and public testimony and then set the hearing over to August 27, 2002. This would give the staff an opportunity to renote the affected two property owners.
- City Recorder Wheatley reminded Council members that they have been asked to participate in the Tigard Blast Parade. Mayor Griffith will be the Grand Marshal. Councilor Scheckla advised he could probably participate as well.
- City Recorder Wheatley advised that Mayor Griffith had assembled enough signatures on nominating petitions so that he has now been qualified as a candidate for Mayor on the November 5, 2002, ballot. Two prospective Council candidates are circulating nominating petitions; they are Mark Mahon and Sydney Sherwood.
- Mayor Griffith reminded Council of the American Cancer Society Walk this coming weekend. The City of Tigard has two teams participating this year.
- Finance Director Prosser noted that Mr. Jones, a 69<sup>th</sup> Avenue Local Improvement District participant, has paid his assessment in full.

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council & Local Contract Review Board to order at 7:33 p.m.
- 1.2 Council Present: Mayor Griffith; Councilors Moore, Patton and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. VISITOR'S AGENDA

- Paula Walker, 9365 SW Millen Drive, Tigard, Oregon, on behalf of the Dog Park Task Force thanked the City Council and staff for their progressive attitude, which

helped the Potso Dog Park become a reality. There was a grand opening for the park last Saturday. She said this is an achievement that the City can be proud of. Mayor Griffith also noted the current planning effort for a dog park to be located within Summerlake Park.

3. CONSENT AGENDA: Motion by Patton, seconded by Councilor Scheckla, to approve the Consent Agenda as follows:

3.1 Receive and File: Updated Progress Report – Quarter 2 – Council Goals

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

4. ACKNOWLEDGE COMPLETION OF THE NEW TIGARD LIBRARY CONSTRUCTION COMMITTEE'S MISSION AND COMMEND THE COMMITTEE MEMBERS FOR A JOB WELL DONE

Library Director Margaret Barnes presented the staff report. The proposed resolution acknowledges the good work completed by the Committee and, now that its mission is complete, the termination of the Committee is appropriate at this point.

Mayor Griffith read the proposed resolution.

Motion by Councilor Patton, seconded by Councilor Moore, to adopt Resolution 02-46.

RESOLUTION NO. 02-46 – A RESOLUTION TO ACKNOWLEDGE THE COMPLETION OF THE NEW TIGARD LIBRARY CONSTRUCTION COMMITTEE'S MISSION, TO COMMEND COMMITTEE MEMBERS FOR A JOB WELL DONE AND TO TERMINATE THE COMMITTEE.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

Mayor Griffith presented an official, signed copy of the resolution to the Committee members present: George Burgess, Sue Carver, David Chapman, Brian Douglas, Kathy Sleeper, and Lon Hokin.

Councilor Patton said she was pleased and proud to have been a part of the group. She noted the wonderful contributions from Library Director Barnes, the staff, and the volunteers. She thanked them all for their efforts.

5. FORM THE NEW LIBRARY RESOURCE TEAM AND APPOINT MEMBERS TO PROVIDE CITIZEN PERSPECTIVE DURING THE DESIGN AND CONSTRUCTION PHASES OF THE NEW TIGARD LIBRARY

Library Director Barnes presented the staff report. Councilor Patton noted that with the ending of the New Library Construction Committee, an ad hoc committee seemed appropriate to represent citizens' interests in the building project. The proposed resolution would form the New Library Resource Team, which will consist of interested members of the former New Tigard Library Construction Committee. Ms. Barnes advised that the resolution should be amended to add Sue Carver's name to the New Library Resource team.

City Manager Monahan added that the Resource Team would be utilized to call upon its individual members for their expertise at particular times during the construction process.

Motion by Councilor Patton, seconded by Councilor Moore, to adopt Resolution No. 02-47, amended to add the name of Sue Carver to the Resource Team.

RESOLUTION NO. 02-47 – A RESOLUTION TO FORM THE NEW LIBRARY RESOURCE TEAM AND APPOINT MEMBERS TO PROVIDE CITIZEN PERSPECTIVE DURING THE DESIGN AND CONSTRUCTION OF THE NEW TIGARD LIBRARY

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

6. UPDATE ON THE LIBRARY SERVICES TECHNOLOGY ACT GRANT:  
"HISPANIC YOUTH INITIATIVE"

Library Director Barnes presented the staff report. The purpose of this \$16,000, one-year grant is to reach Hispanic young adults in the Tigard area and work with them to improve library service to Tigard's entire population. She noted the activity to date as a result of the grant.

7. PUBLIC HEARING (QUASI-JUDICIAL) – CONSIDER AN ORDINANCE TO EXEMPT PROPERTIES THAT ARE ZONED MUR 1 OR 2 THAT WERE ZONED COMMERCIAL PRIOR TO MARCH 28, 2002, FROM MEETING CERTAIN REQUIREMENTS BEFORE BEING PERMITTED TO HAVE A COMMERCIAL USE

**REQUEST:** The request is to modify the existing Development Code language to exempt properties that were zoned commercial prior to March 28, 2002 from being required to meet minimum residential density requirements prior to being permitted to have a commercial use on the property. There are 10 parcels (5.25 acres) within the City of Tigard's portion of the Regional Center that this exemption will apply to and are impacted by this amendment. Approximately 1.63 acres were identified as vacant or re-developable in determining target capacity numbers for the Regional Center, therefore, the number of units that would be lost if no residential use were constructed on these lots is approximately 42 units (if minimum densities were constructed).

**LOCATION:** The Washington Square Regional Center area is bounded generally by Fanno Creek on the west, SW Greenburg Road and Hall Boulevard on the east, Red Tail Golf Course to the north, and Highway 217, including the Ash Creek area on the southern border. The MUR 1 and 2 zones are located within the Regional Center, generally west of Hall Blvd and east of Ash Creek.

**ZONE:** Mixed Use Residential (MUR) 1&2. **APPLICABLE REVIEW CRITERIA:** Community Development Code Sections 18.380.020, 18.390.060; Comprehensive Plan Policies 1.1.1, 2.1.1 2.1.2, 5.1 and 6.1.1; Statewide Planning Goals 1, 2, 9, and 10; and Metro Functional Plan Titles 1 and 7.

- a. Mayor Griffith read the above description and opened the public hearing.
- b. Mayor Griffith asked the following questions regarding declarations or challenges
  - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits? None reported.
  - Have all members familiarized themselves with the application? All indicated "yes."

- Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council? There were no challenges.
- c. Associate Planner Hajduk presented the staff report. She identified on a map two properties that had not been shown as "affected properties." For this reason, staff recommended Council hear the staff report, take testimony from anyone present to testify at tonight's hearing, and then continue the hearing to the August 27, 2002, City Council meeting.
- d. Public Testimony: Mayor Griffith read the following:
  - For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation that you believe apply to the decision.

Proponent:

- Mr. Bill Adams, 7889 SW Birdshill Court, Portland, OR 97223, testified in support of the proposed ordinance. He thanked staff for keeping him informed about this proposal.

Motion by Councilor Moore, seconded by Councilor Patton, to continue the hearing to August 27, 2002. The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

## 8. PREVIEW TIGARD BLAST

Community Development Director Hendryx introduced this agenda item. He introduced Mr. Tyler Ellenson, President of the Tigard Central Business District Association, who noted the activities of this event scheduled August 9-11 on Main Street. The event is designed to foster a sense of community and family spirit and to

showcase the downtown. He noted that Mayor Griffith will be the Grand Marshal of the Saturday parade.

9. LOCAL CONTRACT REVIEW BOARD (LCRB) PUBLIC HEARING – CONSIDER APPROVAL OF FINDINGS FOR AN EXEMPTION FROM THE COMPETITIVE BIDDING REQUIREMENT TO QUALIFY THE CONSTRUCTION OF THE NEW TIGARD LIBRARY AS A CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) CONTRACT

- a. LCRB Chair Griffith opened the public hearing.
- b. City Engineer Duenas presented the staff report, which is on file in the City Recorder's office. Mr. Duenas also reviewed the findings that were incorporated in the proposed resolution. Mr. Duenas outlined several key elements of a construction manager/general contractor contract.
- c. There was no public testimony.
- d. LCRB Chair Griffith closed the public hearing.
- e. Motion by Board Member Moore, seconded by Board Member Patton, to adopt LCRB Resolution No. 02-01.

LOCAL CONTRACT REVIEW BOARD RESOLUTION NO. 02-02 -- A RESOLUTION TO APPROVE FINDINGS FOR AN EXEMPTION FROM THE COMPETITIVE BIDDING REQUIREMENT IN ACCORDANCE WITH CITY OF TIGARD LOCAL CONTRACT REVIEW BOARD ADMINISTRATIVE RULE 35.010 TO QUALIFY THE CONSTRUCTION OF THE NEW TIGARD LIBRARY AS A CONSTRUCTION MANAGER/GENERAL CONTRACTOR CONTRACT.

The motion was approved by a unanimous vote of the Local Contract Review Board members present:

Board Chair Griffith	-	Yes
Board Member Moore	-	Yes
Board Member Patton	-	Yes
Board Member Scheckla	-	Yes

10. COUNCIL LIAISON REPORTS: None

11. NON AGENDA ITEMS: None
12. EXECUTIVE SESSION: Not held.
13. ADJOURNMENT: 8:19 p.m.

Attest:

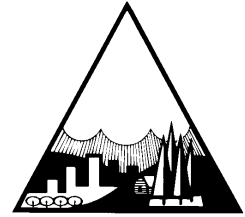
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Catherine Wheatley, City Recorder

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Mayor, City of Tigard

Date: \_\_\_\_\_

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**MEMORANDUM  
CITY OF TIGARD, OREGON**



**TO:** Mayor and Council  
**FROM:** Greer Gaston  
**DATE:** August 6, 2002  
**SUBJECT:** Three-Month Council Calendar

Regularly scheduled Council Meetings are marked with an asterisk (\*).

**August**

13 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session
20 *	Tues	Council Workshop Meeting – 6:30 p.m.
27 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session

**September**

2	Mon	Labor Day Holiday – City Offices Closed
10 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session
17 *	Tues	Council Workshop Meeting – 6:30 p.m.
24 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session

**October**

7	Mon	Joint Meeting with Tualatin City Council and Tigard-Tualatin School District Time and Location - To Be Announced
8 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session
15 *	Tues	Council Workshop Meeting – 6:30 p.m.
22 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session

**Note: This meeting may be canceled**

Tigard City Council  
Tentative Agenda

Agenda Item No. 4.2.b.  
Meeting of 8/13/02

9/17/02 - Workshop	9/24/02 - Business TV -Greeter	10/7/02 - Special Meeting
Due: 9/3/02 @ 5 p.m.	Due: 9/10/02 @ 5 p.m.	
Workshop Topics	Study Session	
Overview: Urban Renewal 201 - Barbara/Jim - 45 min.		Joint Meeting with Tigard & Tualatin City Councils & TTSD Board; Meeting to be held in Tualatin
Update: Tigard Data Resource Report - Beth - 20 min.		
Update: Proposed Bull Run Regional Drinking Water Agency - Ed/Dennis - 45 min		
Annual Court Report - Nadine - 20 min	Consent Agenda	
Report on September 11 Remembrance Event- Liz - 10 min	Award Labor Attorney Contract - Sandy	
	Business Meeting	
	Adopt Affordable Housing Plan - RES - Barbara/Duane - 20 min.	
	Fairground Update - Wash. Co. Rep - 20 min	
	Coe Manufacturing Recognition for Potso Dog Park - RES - Dan - 15 min	
	Wants Mayor to read RES and present framed copy to Coe General Manager	
SI = standing item		
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Tigard City Council  
Tentative Agenda

8/20/02 - Workshop	8/27/02 - Business TV -Greeter	9/10/02 - Business TV -Greeter
Due: 8/6/02 @ 5 p.m.	Due: 8/13/02 @ 5 p.m.	Due: 8/27/02 @ 5 p.m.
<b>Workshop Topics</b>	<b>Study Session</b>	<b>Study Session</b>
	<b>* City Manager Monahan Not Present*</b>	
Social Service Agency Presentations w/ Budget Committee and Council - Craig - 1 hour	Insurance Update - Loreen - 10 min	
* Neighborshare	Water Update - Councilor Patton - Ed - 15 min	
* Tualatin Valley Centers		
* Sexual Assault Resource Center	<b>Consent Agenda</b>	<b>Consent Agenda</b>
* Domestic Violence Center	Chamber of Commerce Parking Lease - Bill	Library Project Manager Contract Award - Gus
Review: Urban Renewal 101 - Barbara/Jim - 45 min		
Update on Bull Mt - Barbara - 60 min	<b>Business Meeting</b>	
Reservoir Site Development (School Site) - Dennis - 30 min	Cook Park Overview - Summer Construction Activities - John - 20 min	
	Approve Urban Services Agreement - Jim - 10 min	
	Library Construction - Design Contract Award - Gus - 10 min	<b>Business Meeting</b>
	Status Report on Purchase of Library Property - Liz - 10 min	VA - Student Envoy
	Implement Street Maintenance Fee - PH-ORD & RES - Gus 30 min	Vision Report Mid-Year Update - Loreen/Liz - 30 min
	Authorize Loan -from OECD for New Library Project PH (ORD or RES - Craig checking)	Public Works Department Overview - Ed - 30 min
	Bull Mountain Annexation Policy Decision - RES? - Jim - 30 min.	Development Code Updates to Implement the TSP - PH-Leg-ORD - Julia - 30 min
	TMC 12.03 Update - Billing and Collection of Utility Charges - ORD - Tom -10 min	Preview on September 11 Remembrance Event - Liz -10 min
	TMC 12.02 - Update Sanitary Sewer and Surface Water Management - ORD - 10 min	Summer Reading Update - Margaret - 10 min
	Tom	Update on New Library - Margaret - 10 min
	Continuation MUR (from 7/23) PH-QJ-ORD - Julia- 15 min	
SI = standing item		
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CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A RESOLUTION APPROVING BUDGET AMENDMENT #1 TO THE FY 2002-03 BUDGET TO TRANSFER \$10,000 FROM PARKS CAPITAL FUND CAPITAL IMPROVEMENTS TO THE PUBLIC WORKS PROGRAM FOR COMPLETION OF A STREET TREE INVENTORY

PREPARED BY: Tom Imdieke/Matt Stine DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

A budget amendment is required to transfer appropriations from Parks Capital Fund Capital Improvements to the Public Works program to complete a street tree inventory.

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STAFF RECOMMENDATION

Approve the resolution so that sufficient appropriations exist within the Public Works program to complete the street inventory.

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INFORMATION SUMMARY

Information gathered from a citywide street tree inventory will be valuable in several ways to various departments throughout the City. Most of the information will be used as part of the street tree planing program to help identify areas in the City that are in need of street trees. The Urban Forester will then work with the neighborhoods to conduct the actual street tree plantings.

Information that would be gathered in the study would include:

- Condition and location of hazardous trees.
- Identification of over-planting of certain tree species.
- Damage caused by tree roots to sidewalks, road pavement and curbs.
- Need for pruning to address safety or clearance issues.
- Identification of trees that conflict with overhead and/or underground utilities.

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OTHER ALTERNATIVES CONSIDERED

Not complete the street tree inventory.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Does not apply.

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ATTACHMENT LIST

Resolution approving the budget amendment.  
Attachment A to resolution.

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FISCAL NOTES

This amendment transfers \$10,000 from Parks Capital Fund Capital Improvements to the Public Works Program.

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-\_\_\_\_\_

A RESOLUTION APPROVING BUDGET AMENDMENT #1 TO THE FY 2002-03 BUDGET TO TRANSFER \$10,000 FROM PARKS CAPITAL FUND CAPITAL IMPROVEMENTS TO THE PUBLIC WORKS PROGRAM FOR COMPLETION OF A STREET TREE INVENTORY

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WHEREAS, the City has a street planting program;

WHEREAS, there is a need to have an inventory of existing trees in order to identify those areas of the City that are in need of street trees; and

WHEREAS, the FY 2002-03 Budget needs to be amended to so that funds can be appropriated to allow the funding of this inventory.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2002-03 Budget of the City Tigard (Parks Capital Fund) is hereby amended as shown in Attachment A to this resolution.

SECTION 2: This resolution is effective immediately upon passage.

PASSED:            This \_\_\_\_\_ day of \_\_\_\_\_ 2002.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

Attachment A  
FY 2002-03  
Budget Amendment # 1

FY 2002-03 Revised Budget	Budget Amendment # 1	Revised Revised Budget
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**Parks Capital Fund**

Resources

Beginning Fund Balance	994,434		994,434
Property Taxes	0		0
Grants	211,400		211,400
Interagency Revenues	454,043		454,043
Development Fees & Charges	0		0
Utility Fees and Charges	0		0
Miscellaneous Fees and Charges	0		0
Fines and Forfeitures	0		0
Franchise Fees and Business Tax	0		0
Interest Earnings	33,930		33,930
Bond/Note Proceeds	840,248		840,248
Other Revenues	225,000		225,000
Transfers In from Other Funds	410,000		410,000
Total	<b>\$3,169,055</b>	<b>\$0</b>	<b>\$3,169,055</b>

Requirements

Community Service Program	0		0
Public Works Program	0	10,000	10,000
Development Services Program	0		0
Policy & Administration Program	0		0
General Government	0		0
Program Expenditures Total	\$0	\$10,000	\$10,000
Debt Service	\$277,861		\$277,861
Capital Improvements	\$1,576,100	(\$10,000)	\$1,566,100
Transfers to Other Funds	\$0		\$0
Contingency	\$273,000		\$273,000
Total Requirements	<b>\$2,126,961</b>	<b>\$0</b>	<b>\$2,126,961</b>
Ending Fund Balance	<b>1,042,094</b>		1,042,094
Grand Total	<b>\$3,169,055</b>	<b>\$0</b>	<b>\$3,169,055</b>

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF August 13, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Appointment of Sharon Rollins to the Tree Board and Tricia Bull as an alternate to the Tree Board

PREPARED BY: Susan Koepping DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Appointment of Sharon Rollins as a member to the Tree Board and Tricia Bull as an alternate to the Tree Board.

STAFF RECOMMENDATION

Adopt the attached resolution appointing Sharon Rollins to the Tree Board, and appointing Tricia Bull as an alternate to the Tree Board.

INFORMATION SUMMARY

Attached is a resolution which, if adopted, would approve the appointment of Sharon Rollins to the Tree Board to complete the term of David Cory. This term ends April 30, 2005. Tricia Bull would be appointed as an alternate to the Tree Board for a term ending June 30, 2004.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Visioning Goal Community Character and Quality of Life: The city will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

Information about the candidates.

FISCAL NOTES

There is no cost associated with this action.

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-\_\_\_\_\_

A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING SHARON ROLLINS AS A TREE BOARD MEMBER AND TRICIA BULL AS AN ALTERNATE TO THE TREE BOARD.

---

WHEREAS, An opening exists on the Tree Board with the resignation of Bret Johnson who was appointed to the term originated by David Cory, and

WHEREAS, the Tree Board currently has no alternate, and

WHEREAS, Sharon Rollins and Tricia Bull have expressed interest in serving on the Tree Board, and

WHEREAS, the Mayor's Appointments Advisory Committee conducted Tree Board interviews on July, 11, 2002.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Sharon Rollins is appointed as a Tree Board member to complete the term of David Cory.  
That term expires April 30, 2005.

SECTION 2: Tricia Bull is appointed to a two-year term as a Tree Board alternate. The term of the alternate expires on June 30, 2004.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2002.

---

Mayor - City of Tigard

ATTEST:

---

City Recorder - City of Tigard

RESOLUTION NO. 02 - \_\_\_\_

Information on the August, 2002, Tree Board appointees

**Sharon Rollins**

Sharon has lived in Tigard for 3 years not far from Fowler Middle School. A retired teacher, Sharon contributes her time and knowledge as a volunteer for several organizations including the City of Tigard. She has been very active in the restoration of Derry Dell Creek near Genesis Loop and is a Community Connector.

**Tricia Bull**

Tricia has lived in Tigard for 8 years and currently resides in the NE corner of the city. A graduate of Northwestern University in Journalism, Tricia is a freelance writer and an active volunteer with the Tigard Library, and the Oregon Environmental Council among others.

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Rejection of Bid Proposals for the Construction of Gaarde Street (Sanitary Sewer Reimbursement District No. 24) and 121<sup>st</sup> Avenue (Sanitary Sewer Reimbursement District No. 26)

PREPARED BY: Vannie Nguyen DEPT HEAD OK: A.P. Duenas CITY MGR OK: Bill Monahan

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ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board reject all bid proposals for the construction of the Gaarde Street and 121st Avenue Sanitary Sewer project?

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STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, reject all bid proposals for the construction of the Gaarde Street and 121<sup>st</sup> Avenue Sanitary Sewer project due to high bids submitted at the bid opening.

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INFORMATION SUMMARY

The proposed project would provide sewer service to three lots along Gaarde Street east of 118<sup>th</sup> Avenue (Sanitary Sewer Reimbursement District No. 24) and sewer service to three lots along 121<sup>st</sup> Avenue between Gaarde Street and Rose Vista Drive (Sanitary Sewer Reimbursement District No. 26). Council authorized formation of District No. 24 and District No. 26 by approving Resolution No. 02-42 and No. 02-43 respectively on June 25, 2002. Construction of the project would provide for the installation of sewer before construction of the Gaarde Street Improvement project.

The project was advertised for bids on July 1, 2002. The bid opening was conducted on July 15, 2002. The bid results are:

Kerr Contractors	Canby, OR	\$167,922.50
Dunn Construction	Portland, OR	\$237,206.00
Wystan Brown Excavating	Boring, OR	\$278,105.00
<b>Engineer's Estimate</b>		<b>\$99,100</b>

Since Kerr Contractors did not acknowledge the project addenda, their bid was considered non-responsive as stated in the bid document.

The lowest responsive bid from Dunn Construction is higher than the Engineer's estimate by approximately \$138,000. Bid item "Trench Excavation & Backfill" at various depths was bid double the estimated cost. Dunn Construction indicated that installation of pipes and manholes that were deeper than 25 feet required shoring that needed to be designed by a registered civil engineer. They also said that their bid was especially high because Collector Street such as Gaarde Street and 121<sup>st</sup> Avenue required more traffic control than Local Street.

Because there are only two responsive bids that are both extremely high, staff recommends rejection of the bids. Upon approval of rejection of these bid proposals, staff intends to re-bid the project as part of the Gaarde Street Improvement project in December 2002. Inclusion of this project as part of the much larger Gaarde Street Improvement project should provide much lower bids.

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OTHER ALTERNATIVES CONSIDERED

N/A

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

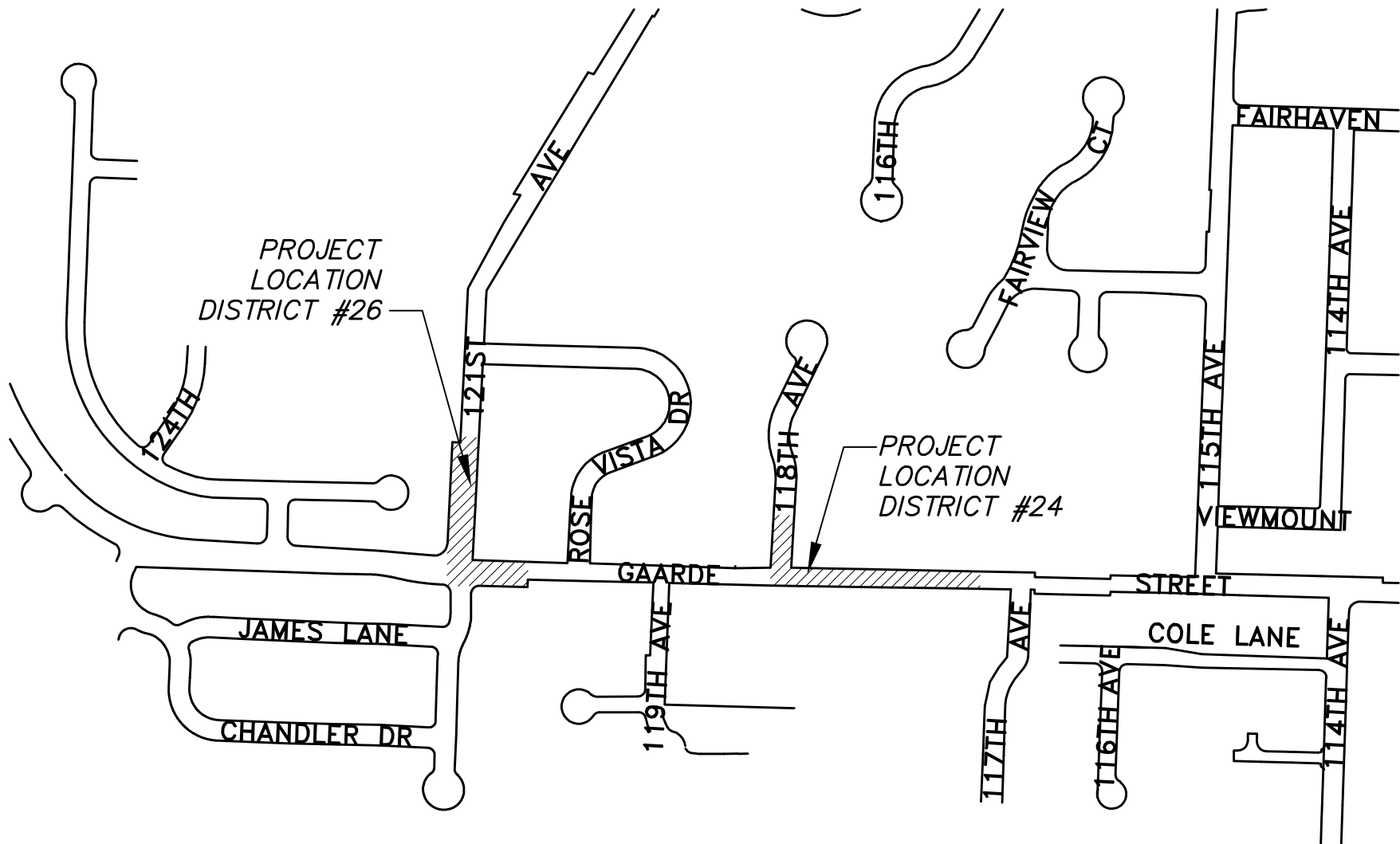
N/A

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FISCAL NOTES

The amount of \$2,000,000 is available in the FY 2002-03 Neighborhood and Commercial Sewer Extension Program for this and other sewer extension projects.

121ST AVE (NORTH OF GAARDE STREET)  
GAARDE STREET (BETWEEN 118TH AVE & 117TH AVE)  
FY 2002-03 SANITARY SEWER EXTENSION PROGRAM  
REIMBURSEMENT DISTRICT NO. 26 & 24



AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF August 13, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Award of Contract for the Construction of Carmen Street - Sanitary Sewer Reimbursement District No. 25

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PREPARED BY: Vannie Nguyen DEPT HEAD OK: A.P. Duenas CITY MGR OK: Bill Monahan

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ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board approve the contract award for the construction of Carmen Street – Sanitary Sewer Reimbursement District No. 25?

---

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to **Dunn Construction, Inc.** in the amount of **\$115,636.00**.

---

INFORMATION SUMMARY

The proposed project would provide sewer service to 17 lots along Carmen Street between 121<sup>st</sup> and 116<sup>th</sup> Avenue through Sewer Reimbursement District No. 25 of the Neighborhood Sewer Extension Program. Through this program, the City would install public sewer to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee of \$2,335 before connecting to the line. Each owner would also be responsible for disconnecting the septic system according to County rules and any other plumbing modifications necessary to connect to the public line. Council authorized formation of Sewer Reimbursement District No. 25 by approving Resolution No. 02-45 on July 9, 2002.

The project was advertised for bids on July 15, 2002. The bid opening was conducted on July 29, 2002. The bid results are:

Dunn Construction	Tualatin, Oregon	\$115,636.00
Kerr Contractors	Tualatin, Oregon	\$129,478.00
<b>Engineer's Estimate</b>		<b>\$89,300</b>

The lowest responsive bid from Dunn Construction is higher than the Engineer's estimate by approximately \$26,300. Dunn Construction indicated that in accordance with the existing soil condition of other nearby sanitary sewer projects that were constructed for the City, pipe trench for this project, if not shored properly could be easily collapsed. Staff agrees with the explanation and determines that their high bid is justified. Staff recommends approval of the contract award to Dunn Construction.

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OTHER ALTERNATIVES CONSIDERED

None

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

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ATTACHMENT LIST

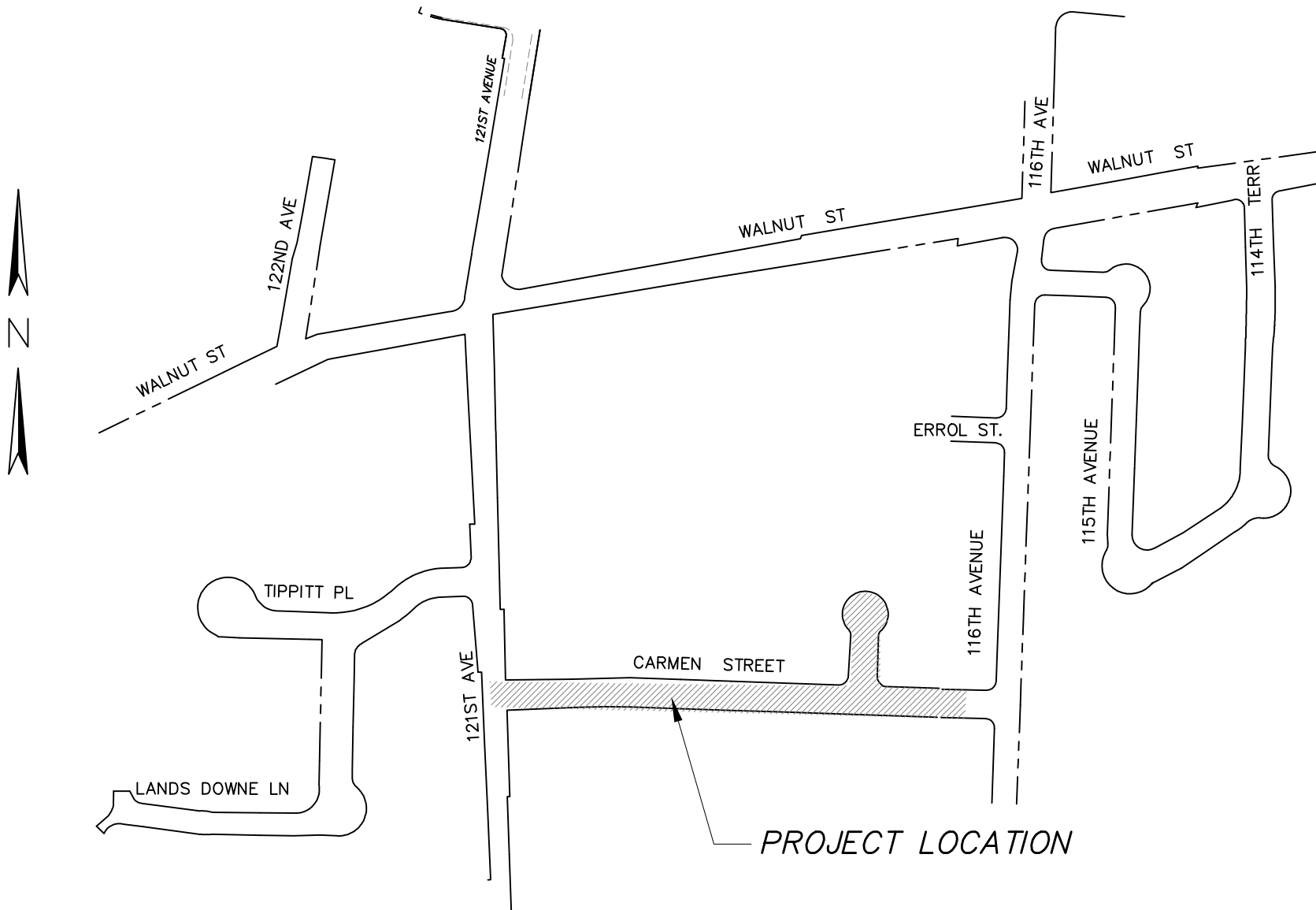
Project location map

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FISCAL NOTES

The amount of \$2,000,000 is available in the FY 2002-03 Neighborhood and Commercial Sewer Extension Program for this and other sewer extension projects. This funding is adequate to award a contract of \$115,636.00 to Dunn Construction.

CARMEN STREET  
FY 2002-03 SANITARY SEWER EXTENSION PROGRAM  
REIMBURSEMENT DISTRICT NO. 25



AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF August 13, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Award of Contract for the Construction of the FY 2002-03 Pavement Major Maintenance Program (PMMP)

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PREPARED BY: Vannie Nguyen DEPT HEAD OK: A.P. Duenas CITY MGR OK: Bill Monahan

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ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board approve the contract award for the construction of the FY 2002-03 Pavement Major Maintenance Program (PMMP)?

---

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to **Pro-Teck Construction, Inc.** in the amount of **\$121,199.45**.

---

INFORMATION SUMMARY

The City of Tigard's Pavement Overlay Backlog list identifies streets that need corrective overlays and slurry seals. The backlog has been reduced progressively. However, due to limited funding, only a few streets from the list can be addressed this fiscal year. The proposed project for FY 2002-03 includes the following streets:

- North Dakota Street (from 106 feet west of North Dakota Street bridge to Tiedeman Avenue and from 121<sup>st</sup> Avenue to 115<sup>th</sup> Avenue)
- School Street (from Grant Avenue to approximately 220 feet west of Hwy 99W)
- Johnson Street (from Grant Avenue to Hwy 99W)
- Rose Vista Drive (from 121<sup>st</sup> Avenue to Gaarde Street)
- Bonita Road (from 70 feet west of Bonita Road bridge to Milton Court)

The scope of work includes pavement removal, pavement dig-out and repair, placement of geotextile fabric and AC pavement, removal and installation of traffic stripes and pavement markings. There would be approximately 13,200 square yards of AC overlay placed on these streets.

Washington County streets are not proposed at this time for pavement overlays or slurry seals. A PMMP project for County roads will be prepared separately if these streets demonstrate the need for repair of existing AC pavement.

The bid opening was conducted on July 15, 2002. The bid results are:

Pro-Teck Construction	Clackamas, OR	\$121,199.45
Eagle Elsner	Tigard, OR	\$177,291.90
Baker Rock	Beaverton, OR	\$196,660.40
S-2 Contractors	Oregon City, OR	\$254,086.00
<b>Engineer's Estimate</b>		<b>\$136,200</b>

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OTHER ALTERNATIVES CONSIDERED

None

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None

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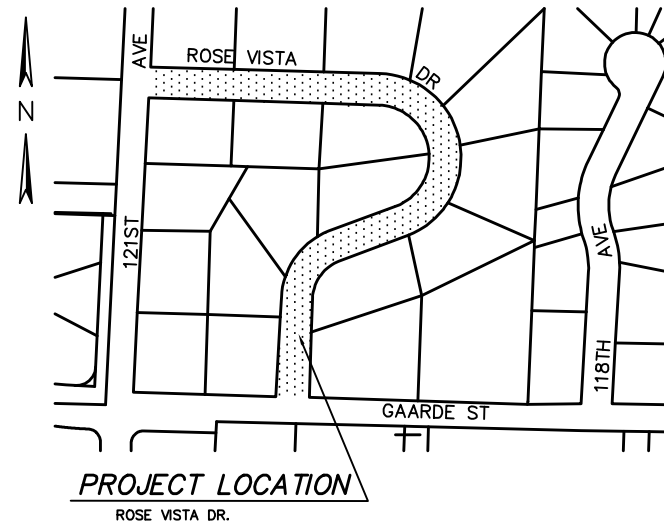
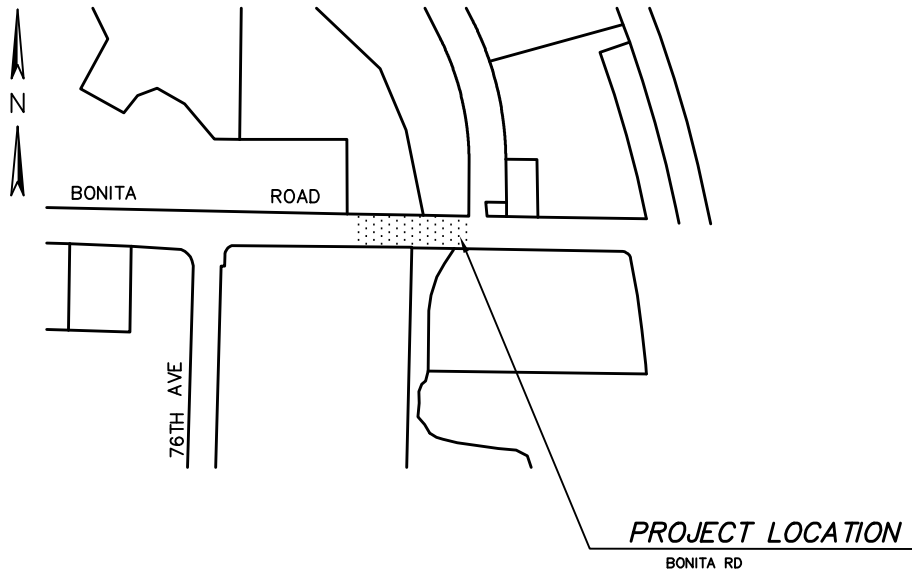
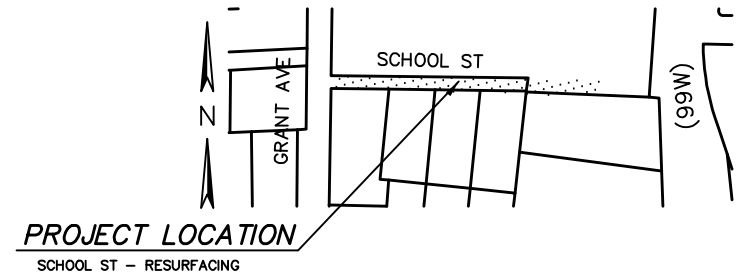
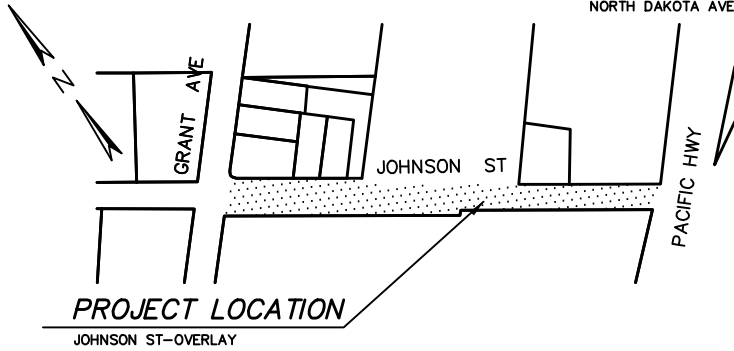
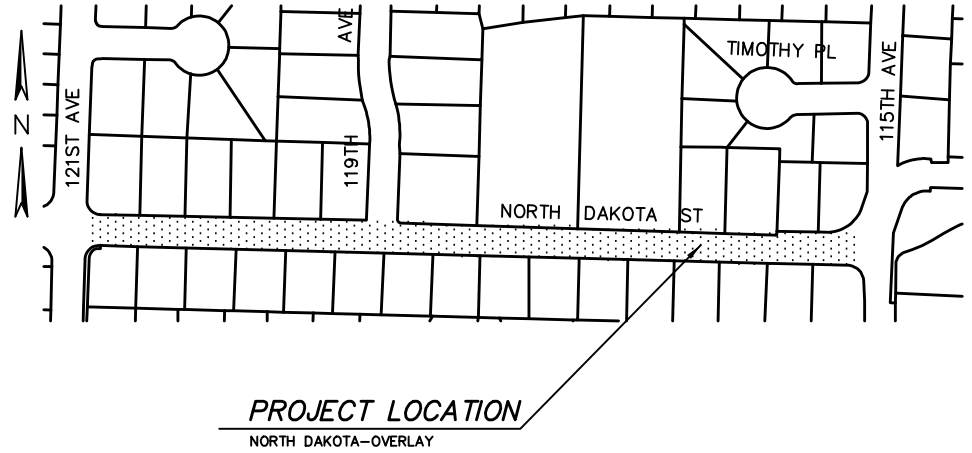
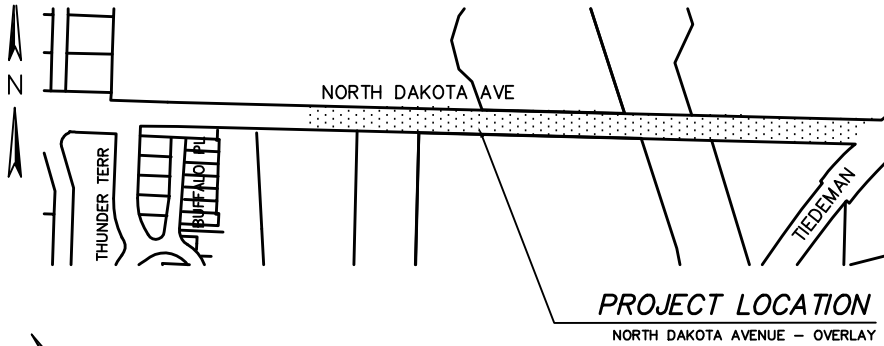
ATTACHMENT LIST

Project location map

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FISCAL NOTES

The amount of \$135,000 has been budgeted in FY 2002-03 from the State Gas Tax revenue for the PMMP project. This funding is sufficient to award a contract of \$121,199.45 to Pro-Teck Construction, Inc.



CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Local Contract Review Board Approval of Change Order #4 for Cook Park Master Plan Expansion Phase II

PREPARED BY: John Roy DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board Approve Change Order #4, in the amount of \$29,408 for the Cook Park Master Plan Expansion Phase II Construction.

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board approve Change Order #4, in the amount of \$29,408 for the Cook Park Master Plan Expansion Phase II Construction.

INFORMATION SUMMARY

On March 26, 2002, staff appeared before the Local Contract Review Board recommending that the Board award the bid for Cook Park Master Plan Expansion Phase II Construction to Robert Gray Partners, in the amount of \$1,069,843.78. At that time, staff informed the Board that there were some final details of the design of the buildings within the flood plain to be resolved in order to obtain building permits which would be brought back to the Board for approval.

The design changes are all related to moving the electrical components of the buildings to a level that would put them above the flood plain clearance. The buildings that are impacted by the design changes are the picnic shelter, maintenance building, restroom facility, and the restroom/concession facility. Change order numbers 1-3 have already been approved by staff and were for the following items:

- C/O #1 Change of roof decking material used for roofing of the picnic shelter, \$1,400 credit.
- C/O #2 - Recirculating hot water systems for the two restroom buildings which will reduce water usage and offer greater convenience to users at a cost of \$1,052.25 per building or \$2,104.50 total.
- C/O #3 - Low pressure suction alarm to the recycled water irrigation line booster pump, \$345

OTHER ALTERNATIVES CONSIDERED

Not applicable at this time.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

City Council Goal #4 and Visioning Goal (5) – Continue to implement the City Park Master Plan

ATTACHMENT LIST

1. CES/NW letter from Tony Weller dated July 17, 2002 (Change Order #4)

FISCAL NOTES

The funding for Change Order # 4 will be funded by the Oregon Economic and Community Development Department loan.

# CES|NW

July 18, 2002

Mr. John Roy, Public Works Manager  
CITY OF TIGARD  
12800 SW Ash Street.  
Tigard, OR 97223

**RE: COOK PARK EXPANSION PHASE 2 - CHANGE ORDER No. 4**

Dear John:

The following change order reflects the changes to the project that were required by the City of Tigard's Building Department to address 100-year flood plain issues. The changes impacted **Schedule 2 – Maintenance Building, Schedule 3 – Restroom Storage Building, Schedule 5 – Picnic Shelter and Alternate 1B – Restroom Concession Building**. The change order has been reviewed by both the Project Architect and Project Engineer. The total cost for the flood plain related modifications is \$29,408.00.


The revised contract items and quantities are as follows:

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Amount</u>
<b>ADD:</b>				
<b>Change Order #4:</b>				
1. Schedule 2.1 Maintenance Bldg	1	LS	\$ 2,952.00	\$ 2,952.00
2. Schedule 2.6 Maint. Bldg Elec.	1	LS	\$ 891.00	\$ 891.00
<b>Subtotal Schedule 2</b>				<b>\$ 3,843.00</b>
3. Schedule 3.1 Restroom/Stor. Bldg	1	LS	\$ 2,254.00	\$ 2,254.00
4. Schedule 3.3 Relocate Irr. Contr.	1	LS	\$ 370.00	\$ 370.00
5. Schedule 3.4 Relocate Wet. Contr.	1	LS	\$ 370.00	\$ 370.00
6. Schedule 3.5 Restroom/Stor. Bldg Elec.	1	LS	\$ 4,751.00	\$ 4,751.00
<b>Subtotal Schedule 3</b>				<b>\$ 7,745.00</b>
7. Schedule 5.7 Picnic Shelter Elec.	1	LS	\$ 3,695.00	\$ 3,695.00
8. Alt. 1B Restroom/Concess. Bldg.	1	LS	\$14,125.00	\$14,125.00
<b>Total Value Change Order Number 4</b>				<b>\$29,408.00</b>

This change order results in an increase in the project contract of \$29,408.00 for a total revised contract amount of \$1,100,301.28, which is 103% of the original contract amount (\$1,069,843.78). This change order does not impact the project completion date.

If you have any questions in this regard please call.

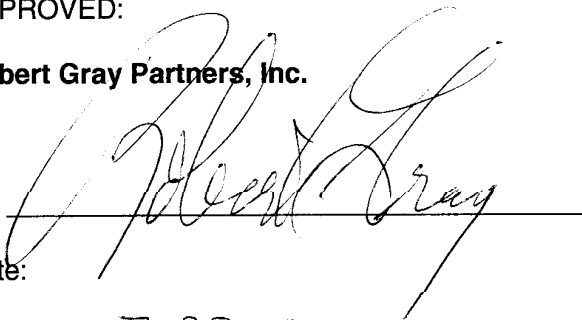
Sincerely,  
**CESNW, INC.**

  
Anthony R. Weller, P.E., P.L.S.  
Vice President

APPROVED:

**Robert Gray Partners, Inc.**

By:



Date:

7-25-02

**City of Tigard**

By:

\_\_\_\_\_

Date:

\_\_\_\_\_

File:	Path	Estimator	Date
EstimateC	F:\Estimate Forms\Cook Park	HKT	07/25/02
Title	Cook Park Expansion Phase II - CO 1	Revision:	
		Iteration:	
Client		Const. Duration:	
		Site Area:	
Location		Foot Print:	
	Tigard, Oregon	Roof Area:	
Option		Bldg Size:	
	Electrical Design Changes		

Gen Cond %	
Sp Cond %	

Bid Item	Description	Total				Subtotal Project Costs
		Labor Costs	Materials Costs	Equipment Costs	Subcontract Costs	
21	Maintenance Building	96	2,426			2,523
26	Electrical Service - Maintenance Building				774	775
31	Restroom/Storage Building	285	(404)		1,947	1,828
33	Relocate Irrigation Controller				320	321
34	Relocate Wetland Controller				320	321
35	Electrical Service - Storage Building				4,130	4,131
57	Electrical Service - Picnic Shelter				3,213	3,213
98	Restroom/Concession Building	765	2,056		9,110	11,931
	<b>Project Subtotal</b>	1,146	4,079		19,814	<b>25,043</b>
46.00%	<b>Labor Burden</b>					<b>528</b>
5.00%	<b>General Conditions</b>					<b>1,279</b>
10.00%	<b>Overhead &amp; Fee</b>					<b>2,558</b>
	<b>Total Project</b>					<b>29,408</b>

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Local Contract Review Board approval of Contract Modification #1 for Consulting Engineering Services/NW for the Cook Park Master Plan Expansion Project.

PREPARED BY: John Roy DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board modify the existing contract with CES|NW in the amount of \$68,657 for the Cook Park Master Plan Expansion project.

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STAFF RECOMMENDATION

Staff recommends modification of the original contract with CES/NW in the amount of \$68,657.

---

INFORMATION SUMMARY

Since the execution of the CES/NW contract in June of 2000 for the Cook Park Master Plan Expansion project, there have been a number of changes to the scope of work. These changes have resulted from changes in the City's funding availability and opportunity through grants/loans or additons/improvements to the project not originally envisioned. At the time most of these changes occurred, there was still a significant balance left on the contract and it was unclear on how much of an adjustment would be necessary. Now that CES/NW nears the end of the project, the amount needed for the adjustment is much clearer.

The attachment from Tony Weller, CES|NW, provides a summary of Consultant/Project scope changes. There is also a spreadsheet attached displaying the allocations of each of the changes.

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OTHER ALTERNATIVES CONSIDERED

No alternatives at this time.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

City Council Goal #4 and Visioning Goal (5) – Continue to implement the City Park Master Plan

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ATTACHMENT LIST

1. Letter from John Roy, PW Manager dated April 24, 2002
2. CES|NW letter dated July 27, 2002
3. Spreadsheet – Cook Park Expansion – Phase 2

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FISCAL NOTES

Funding for Contract Modification #1 for CES|NW will be funded through the loan from the Oregon Economic and Community Development Department. This will be paid from the 2001/02 budget.

April 24, 2002



CESNW, INC.  
MAY 02 2002

Mr. Tony Weller  
CESNW, INC  
15573 SW Bangy Rd., Suite 300  
Lake Oswego, Oregon 97035

Dear Mr. Weller:

This letter is to be considered official notice that the budgeted contract amount that your firm has with the City of Tigard is nearly expended. I have attempted to convey this message to you verbally on previous occasions in an effort for you to present the necessary documentation for a change order. You have indicated in the past that you thought that a change order would be necessary for work performed outside the scope of services of the contract.

Please be aware that the remaining amount of the contract is approximately \$4,000 and any invoices exceeding this amount will not be processed.

From my perspective, we have had a good working relationship on the Cook Park project. To ensure clear communication between both parties, I am encouraging you to submit the necessary documentation to ensure there will be funding with which to pay your billing invoices in the near and distant future.

Any assistance in this matter will be greatly appreciated.

Sincerely,

John Roy  
Public Works Manager

# CES NW

July 27, 2002

Mr. John Roy, Public Works Manager  
City of Tigard  
13125 SW Hall Boulevard  
Tigard, Oregon 97223

**RE: COOK PARK EXPANSION – CONTRACT MODIFICATION No. 1**

Dear John:

As we have previously discussed there have been a number of changes to the professional services scope of work since the contract was executed in June 2000. Many of these changes resulted from changes to the City's funding availability and new funding opportunities through grants/loans or additions/improvements to the project not originally envisioned. At the time most of these changes occurred, there was still a significant balance left on the contract and it was unclear on how much of an adjustment would be necessary. Now that we are near the end of the project, amount needed for the adjustment is clearer.

The original scope of work was based on three phases. Ninety percent submittals were made in late 2000 per the contract and the original phasing schedule. It was after this submittal when the lack of available funds was made known to the project team. Phase 1 was then modified to move the sports group work (sports fields and restroom/concession building) into a forth phase and remove the restroom/storage building from the first phase. Later the City's emergency access road and an alternate bid for the Wetland Gazebo were added to phase 1. The content all three phases were adjusted.

The bids received for Phase 1 were very good and provided the City with an opportunity to reduce future construction costs by adding the grading, infrastructure and eventually the irrigation and seeding for the Sports Fields. This significantly reduced future construction costs and brought the fields online much sooner.

There were several other changes during the course of the project which we have listed herein. These changes resulted in increased consultant fees but they also took advantage of some opportunities to improve the project, reduced the construction costs of the project (the total construction costs with all changes and enhancements is less than the estimated costs), and brought the project to completion earlier than anticipated.

CESNW, INC.  
15573 SW BANGY RD., STE. 300 LAKE OSWEGO, OR 97035  
503.968.6655 TEL 503.968.2595 FAX [www.cesnw.com](http://www.cesnw.com)

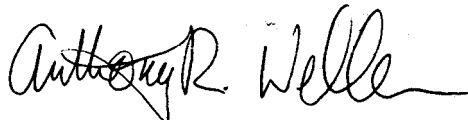
**Summary of Consultant/Project Scope Changes:**

1. Provided additional construction observation for completion of the wetland project. (The wetland contractor failed to complete his work before CWS stopped providing reclaimed irrigation water which extended contract time for the project).
2. Revised bid packages from three phases to four phases and changed the content of each phase.
3. Assisted with grant application
4. Assisted with loan application
5. Revised the maintenance building location and parking lot configuration to preserve the use of the existing softball fields.
6. Incorporate City of Tigard construction documents for Emergency Access Road construction into Phase 1 construction documents.
7. Prepared sports field only grading, seeding and irrigation plans to take advantage of good bid numbers and construction of the sports fields in phase 1 instead of phase 4.
8. Revised phase 2, phase 3 and phase 4 documents into Phase 2 bid set.
9. Revised working drawings to enlarge the concession stand from 14 feet deep to 16 feet deep.
10. Revised working drawings to include build-out of concession area.
11. Revised maintenance building to include masonry on the lower portion of the exterior walls.
12. Expanded the reclaimed water irrigation system to include a second booster pump for the area west of 92<sup>nd</sup> Avenue. Added a weather station to irrigation system.
13. Incorporated the replacement/relocation of the existing irrigation system and controller near the maintenance building into the project.
14. Revised construction plans to address building dept requirements on flood plain issues.
15. Additional printing/bidding expenses.

We have attached spread sheet allocating costs for these items. We are requesting a contract modification to cover our additional costs for these items.

Please review this information and let me know if you have any questions.

Sincerely,  
**CESNW, INC.**



Anthony R. Weller, P.E., P.L.S.  
Vice President

Enclosures

\\1516\pro\scope-rev.doc

## COOK PARK EXPANSION - PHASE 2

Item	CESNW	Architect	Landscape Architect	Electrical	Total Cost
Additional Construction Observation & Admin for Wetland Project	4032				4032
Revised drawings and specifications from three phases to four phases.	8000	400	1200	3230	12830
Assist with grant application	200				200
Assist with loan application	400				400
Revised the maintenance building location and parking lot to preserve the use of the existing ball fields.	1500				1500
Incorporate City of Tigard construction documents for Emergency Access Road construction into Phase 1 construction documents.	800				800
Prepared sports field only grading, seeding and irrigation plans to take advantage of good bid number and building the sports fields in phase 1.	1200		1400		2600
Revised the phase 2, phase 3 and phase 4 documents into Phase 2 bid set.	10000		1600		11600
Revise working drawings to enlarge the concession stand from 14 feet deep to 16 feet deep	600	1200			1800
Revise working drawings to include build-out of concession area.	400	8700			9100

## COOK PARK EXPANSION - PHASE 2

Item	CESNW	Architect	Landscape Architect	Electrical	Total Cost
Revise maintenance building to include masonry on the lower portion of the exterior walls.	300	6600			6900
Added benches and BBQ's to Tot lot and picnic shelter.	0	0	0		0
Expand the reclaimed water irrigation system to include a second booster pump for the area west of 92 <sup>nd</sup> Avenue.	5200			2110	7310
Incorporate the replacement/relocation of the existing irrigation system near the maintenance building.	800		2000		2800
Revise construction plans to address building dept requirements on flood plain issues.	2000	4785			6785
Additional printing/bidding Expenses	1300				
<b>TOTALS</b>	<b>36732</b>	<b>21685</b>	<b>6200</b>	<b>5340</b>	<b>68657</b>

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approval of a two-year Electrical Services Contract Utilizing the Washington County Contract.

PREPARED BY: John Roy DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

---

ISSUE BEFORE THE COUNCIL

Shall the Local Contract Review Board approve a two year contract for electrical service by utilizing a Washington County Contract for providing electrical service.

---

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board approve a two-year electrical contract by utilizing the Washington County Contract for providing electrical service.

---

INFORMATION SUMMARY

The City had an electrical service provider contract with Oregon Electric, which expired on February 15, 2002, which was extended until June 30, 2002.

Earlier this year staff began discussions with Tigard/Tualatin School District regarding their ability to provide electrical service for the City as the school district has licensed electricians on staff. The school district informed staff that they are not prepared to provide this type of service to the City at this time, although it may be considered in the future. Staff reviewed available contracts with other agencies that could be utilized and found Washington County had an electrical service provider contract with three vendors with the following guidelines:

- Work orders less than \$5,000 are assigned to the lowest bidder - Friberg Electric. If they are not available then assignment is made to the second or third lowest bidder, in that order. (Ampere Electric and New Tech Electric).
- Work orders between \$5,000 and \$25,000 will have a written scope of work and conduct a walk through with all 3 vendors. The 3 vendors will submit an estimate for that work and the contractor submitting the lowest estimate and the ability to meet the project timelines will be assigned the work order. The estimate will include a list of materials with pricing and estimated number of hours to complete the work order.

Upon review of the Washington County contract it has been determined by staff that utilizing this contract would provide for low cost service, more flexibility in having work performed, and more effective and efficient use of staff time.

---

OTHER ALTERNATIVES CONSIDERED

1. Reject staff's recommendation.
2. Direct staff to prepare and advertise for request for proposals.

---

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

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ATTACHMENT LIST

Bid Forms from 3 accepted bidders: Friberg of Oregon Electric, New Tech Electric and Ampere Electric

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FISCAL NOTES

The cost for the contract is \$16,000 per year for a total of \$32,000 for the two year contract. Building maintenance has budgeted for the FY 2002/2003 \$16,000 for electrical service.

45. **BID FORM**

**BID TITLE:** ELECTRICAL SERVICES (#21013B)

**BID OPENING:** 11:00 A.M., MONDAY, MAY 21, 2001

**Firm Submitting Bid:** FRIBERG OF OREGON ELECTRIC

	LABOR RATES - REGULAR TIME	PER HOUR	PERCENT WEIGHT
1.	Journeyman Electrician	\$ 55.85	60%
2.	Data/Voice wire technician	\$ 43.75	40%

**Note:** *The hourly rates shall include all costs outlined in Specifications Section 37.0.*

**THE FOLLOWING IS FOR INFORMATION ONLY AND WILL NOT BE CONSIDERED IN THE AWARD OF THIS BID:**

	LABOR RATES - OVERTIME	HOURLY RATE
1.	Journeyman Electrician	\$ 55.85
2.	Data/Voice Wire Technician	\$ 43.75
3.	Minimum Charge per Call	\$ 55.85
4.	Materials - Cost Plus	% 10
5.	Equipment Rental - Cost Plus	% 10
6.	Sub-Contractor Work - Cost Plus	% 10
7.	Response: The County desires that all work (other than emergency work), when required, be scheduled and started no later than 5 calendar days from the date of notification to proceed with the work. <u>Please indicate in space provided if different than 5 days.</u>	Days following notification Days

CERTIFICATION AND CONTRACT OFFER

BID TITLE: ELECTRICAL SERVICES (#21013B)

BID OPENING: 11:00 A.M., MONDAY, MAY 21, 2001

I the undersigned, having carefully examined the Special Instructions, Specifications, General Instructions, and all other related material and information agree to furnish services and materials as specified to Washington County at the prices bid.

I further agree that this offer to furnish specified material will remain in effect at the prices bid for a period of not less than sixty (60) calendar days from the date that bids are due, and that this offer may not be withdrawn or modified during that time.

If this offer, or portion thereof, is accepted by the Board of Commissioners and award is made thereon, I agree to enter into a contract with Washington County to furnish and install materials as specified for the prices bid.

I hereby certify that this bid is genuine and that I have not entered into collusion with any other vendor(s) or any other person(s).

The undersigned Bidder has carefully examined all bidding documents and addenda (if any) numbered 1 through 2 inclusive.

\*"Resident Bidder" YES (Yes or No) ORS 701.055, 1/1/9

1. Registered with Oregon Construction Contractors Board YES (yes or no)

If yes, Reg. # 203 Expiration Date 7-1-01

I agree to comply with the provisions as required by ORS 279.350 or 40 U.S.C. 276 for the payment of prevailing wages

YES (Yes or No).

Workers' Compensation Company: SAIF CORPORATION Policy/Binder #: 812111-136

Signed By

James Johansen

Printed Name

Operations Manager

Title

Friberg of Oregon Electric

Firm

4636 N. Williams Avenue

Address

Portland, OR 97217

5-31-01

Date

Phone (Area Code)

(503) 288-5161  
93-0473 216

TAX IDENTIFICATION/SOCIAL SECURITY NUMBER

45.1 BID FORM

BID TITLE: ELECTRICAL SERVICES (#21013B)

BID OPENING: 11:00 A.M., MONDAY, MAY 21, 2001

Firm Submitting Bid: Ampere Electric

	LABOR RATES - REGULAR TIME	PER HOUR	PERCENT WEIGHT
1.	Journeyman Electrician	\$ 56 <sup>00</sup>	60%
2.	Data/Voice wire technician	\$ <del>48</del> 48 <sup>00</sup>	40%

Note: *The hourly rates shall include all costs outlined in Specifications Section 37.0.*

THE FOLLOWING IS FOR INFORMATION ONLY AND WILL NOT BE CONSIDERED IN THE AWARD OF THIS BID:

	LABOR RATES - OVERTIME	HOURLY RATE
1.	Journeyman Electrician	\$ 56 <sup>00</sup>
2.	Data/Voice Wire Technician	\$ 48 <sup>00</sup>
3.	Minimum Charge per Call	\$ 120 <sup>00</sup>
4.	Materials - Cost Plus	% 10
5.	Equipment Rental - Cost Plus	% 10
6.	Sub-Contractor Work - Cost Plus	% 10
7.	Response: The County desires that all work (other than emergency work), when required, be scheduled and started no later than 5 calendar days from the date of notification to proceed with the work. <u>Please indicate in space provided if different than 5 days.</u>	Days following notification Days

CERTIFICATION AND CONTRACT OFFER

BID TITLE: ELECTRICAL SERVICES (#21013B)

BID OPENING: 11:00 A.M., MONDAY, MAY 21, 2001

I the undersigned, having carefully examined the Special Instructions, Specifications, General Instructions, and all other related material and information agree to furnish services and materials as specified to Washington County at the prices bid.

I further agree that this offer to furnish specified material will remain in effect at the prices bid for a period of not less than sixty (60) calendar days from the date that bids are due, and that this offer may not be withdrawn or modified during that time.

If this offer, or portion thereof, is accepted by the Board of Commissioners and award is made thereon, I agree to enter into a contract with Washington County to furnish and install materials as specified for the prices bid.

I hereby certify that this bid is genuine and that I have not entered into collusion with any other vendor(s) or any other person(s).

The undersigned Bidder has carefully examined all bidding documents and addenda (if any) numbered 1 through 2 inclusive.

\*"Resident Bidder" yes (Yes or No) ORS 701.055, 1/1/9

1. Registered with Oregon Construction Contractors Board yes (yes or no)

If yes, Reg. # 82102 Expiration Date 6/25/2002

I agree to comply with the provisions as required by ORS 279.350 or 40 U.S.C. 276 for the payment of prevailing wages

yes (Yes or No).

Workers' Compensation Company: SAIF Corp. Policy/Binder #: 927544

Signed By

Printed Name

Title

Firm

Address

Phone (Area Code)

TAX IDENTIFICATION/SOCIAL SECURITY NUMBER

Date

45.1 BID FORM

BID TITLE: ELECTRICAL SERVICES (#21013B)

BID OPENING: 11:00 A.M., MONDAY, MAY 21, 2001

Firm Submitting Bid: New Tech. Electric

	LABOR RATES - REGULAR TIME	PER HOUR	PERCENT WEIGHT
1.	Journeyman Electrician	\$ 58. <sup>00</sup>	60%
2.	Data/Voice wire technician	\$ 45. <sup>50</sup>	40%

Note: *The hourly rates shall include all costs outlined in Specifications Section 37.0.*

**THE FOLLOWING IS FOR INFORMATION ONLY AND WILL NOT BE CONSIDERED IN THE AWARD OF THIS BID:**

	LABOR RATES - OVERTIME	HOURLY RATE
1.	Journeyman Electrician	\$ 81. <sup>20</sup>
2.	Data/Voice Wire Technician	\$ 63. <sup>70</sup>
3.	Minimum Charge per Call <i>Emer. After Hours Only</i>	\$ 324. <sup>80</sup>
4.	Materials - Cost Plus	% 12
5.	Equipment Rental - Cost Plus	% 10
6.	Sub-Contractor Work - Cost Plus	% 10
7.	Response: The County desires that all work (other than emergency work), when required, be scheduled and started no later than 5 calendar days from the date of notification to proceed with the work. <u>Please indicate in space provided if different than 5 days.</u>	Days following notification Days

CERTIFICATION AND CONTRACT OFFER

BID TITLE: ELECTRICAL SERVICES (#21013B)

BID OPENING: 11:00 A.M., MONDAY, MAY 21, 2001

I the undersigned, having carefully examined the Special Instructions, Specifications, General Instructions, and all other related material and information agree to furnish services and materials as specified to Washington County at the prices bid.

I further agree that this offer to furnish specified material will remain in effect at the prices bid for a period of not less than sixty (60) calendar days from the date that bids are due, and that this offer may not be withdrawn or modified during that time.

If this offer, or portion thereof, is accepted by the Board of Commissioners and award is made thereon, I agree to enter into a contract with Washington County to furnish and install materials as specified for the prices bid.  
I hereby certify that this bid is genuine and that I have not entered into collusion with any other vendor(s) or any other person(s).

The undersigned Bidder has carefully examined all bidding documents and addenda (if any) numbered 1 through 2 inclusive.

\*"Resident Bidder" Yes (Yes or No) ORS 701.055, 1/1/9  
1. Registered with Oregon Construction Contractors Board Yes (yes or no)  
If yes, Reg. # 41868 Expiration Date 10-14-2004  
I agree to comply with the provisions as required by ORS 279.350 or 40 U.S.C. 276 for the payment of prevailing wages Yes (Yes or No).  
Workers' Compensation Company: SAIF Corporation Policy/Binder #: 469965

Signed By

Printed Name

Title

Firm

Address

Phone (Area Code)

TAX IDENTIFICATION/SOCIAL SECURITY NUMBER

Date

5/23/01

Steven W. Hogberg

Steven W. Hogberg

Service Manager

New Tech. Electric

1400 N.E. 48<sup>th</sup> Ave

Hillsboro OR 97124

503-648-1900

Fed Tax ID# 74-2918933

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF August 13, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update on the 2002 Festival of Balloons Event

PREPARED BY: Cathy Wheatley DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Hear an update from Bruce Ellis about the Tigard Festival of Balloons.

STAFF RECOMMENDATION

N/A

INFORMATION SUMMARY

The Tigard Festival of Balloons was held June 14-16, 2002. Mr. Ellis will be present to meet with the City Council to review the highlights of this year's event.

Tigard staff and representatives from the Chamber of Commerce met with Mr. Ellis on August 1, 2002. These individuals reviewed the logistics, communications, volunteer efforts, public safety, parking, insurance and other planning efforts that went relatively smoothly for this year's event.

Next year's event is scheduled for June 13 – 15, 2003.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life – Community Events Goal: Develop an overall approach for sponsoring community events that establishes balance among popular or traditional standing events, requests for support of new events and limited City resources.

ATTACHMENT LIST

None

FISCAL NOTES

The City contributes \$10,000 in cash and in-kind services. The in-kind services for this and last year's event will be forwarded to City Council prior to the August 13, 2002, Council meeting.

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF August 13, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Discussion with State Senator Ginny Burdick and State Representative Max Williams

PREPARED BY: Cathy Wheatley DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

A discussion with State Senator Ginny Burdick and State Representative Max Williams on issues of interest to Council.

STAFF RECOMMENDATION

Identify issues of interest or concern for Senator Burdick and Representative Williams.

INFORMATION SUMMARY

Senator Burdick and Representative Williams will discuss issues and concerns with the Tigard City Council. Attached is a brochure entitled, "Strong Cities, A Strong State" that was published by the League of Oregon Cities, which contains potential discussion topics for the Council and our legislators.

OTHER ALTERNATIVES CONSIDERED

None

ATTACHMENT LIST

League of Oregon Cities Brochure: *2003 Cities' Legislative Agenda – Strong Cities, A Strong State*

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life, Goal 1, Communication and Strategy 3, Encourage public participation through accessibility and education.

FISCAL NOTES

None

- Support a transportation package that establishes system maintenance, preservation, and operation as a top priority for funding; and
- Oppose state preemptions of local revenue-raising options for road improvements and street maintenance.

#### 4. Retain Right-of-Way Authority

Public rights-of-way are a valuable public asset. Oregon cities must retain the authority they have had for over 100 years to: manage the public investment in rights-of-way on behalf of their taxpayers; receive adequate compensation for the use of the public rights-of-way; and provide utility service. To achieve this goal, cities:

- Oppose legislation restricting existing city authority to manage the public rights-of-way;
- Oppose legislation restricting the authority of cities to negotiate and collect adequate compensation from utility providers; and
- Oppose elimination of existing authority for cities to own, operate, construct, aggregate, and provide utility services.

#### 5. Natural Resources

To maintain essential services, Oregon cities must have certainty in providing sustainable land and water resources to Oregon's citizens. To achieve this goal, cities:

- Support long-term certainty for municipal water rights;
- Support promotion of innovative water treatment techniques;
- Support local determination of livability policies in relation to land use planning and zoning services; and
- Advocate for local authority in the balancing of the rights of property owners and the rights of community residents on "takings" issues.



League of Oregon Cities  
PO Box 928  
Salem, OR 97308  
(503) 588-6550  
Fax: (503) 399-4863  
Web: [www.orcities.org](http://www.orcities.org)

## 2003 Cities' Legislative Agenda



## Strong Cities, A Strong State

## Strong Cities, A Strong State

City government in Oregon is close to the people we serve. It is accessible and responsive. It takes care of day-to-day essentials such as water, sewer, police, fire, libraries, parks and streets. Cities are working to foster the involvement of young people in our communities and in local decision-making. More than 2.2 million Oregonians — over 64% of the state's population — live in our 240 cities.

In order to be able to meet the needs of our citizens, Oregon cities work with the Legislature to ensure that state laws support the efficient operation of city government and services. We also work to protect our home rule authority to raise revenue to support those services, and to make local decisions in the interest of our citizens.

While no two Oregon communities are exactly alike, there are two essential principles at the heart of each city's structure: *local determination and state-local partnership.*

## 2003 LEGISLATIVE AGENDA

The 2003 legislative agenda for the League of Oregon Cities is designed to advance our core mission of supporting strong, livable communities, as well as helping Oregon cities, and the citizens we serve, reach their full potential.

### 1. Financial Stability

Cities must have the financial resources to provide the basic public services — public safety, roads, sewer, water, library, parks — that our residents and businesses depend on, and that make our communities desirable places to live and work. Oregon cities:

- Support maintenance of existing state shared revenue programs;
- Oppose enactment of new property tax exemptions or other actions that reduce revenue to cities;
- Oppose unfunded mandates imposed on cities; and
- Oppose state preemptions of local revenue-raising authority.

### 2. Controlling Personnel Costs

In order to provide excellent public services, Oregon cities need to be able to offer competitive and affordable compensation packages which will attract and retain quality workers. Therefore, cities:

- Support good city employee benefits at stable, sustainable costs;
- Support PERS reform such as implementation of updated mortality tables; and
- Support development of a new retirement plan.

### 3. Transportation Funding

Local transportation funding needs have reached a critical level. None of the \$500 million in the 2001 Oregon Transportation Investment Act (OTIA) can be used for road maintenance. The present level of funding does not allow cities to even keep up with their investment in the existing transportation infrastructure. Cities are required to raise over half of their transportation funds locally. Without additional funding for maintenance, the existing system will continue to rapidly deteriorate. In transportation, cities:

(continued)

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF August 13, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update on the proposed local option levy for Washington County Cooperative Library Services (WCCLS)

PREPARED BY: Margaret Barnes DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

The purpose of this presentation is to provide City Council information on the proposed countywide local option library levy.

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STAFF RECOMMENDATION

This is an informational item.

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INFORMATION SUMMARY

In December 2001, February and March 2002, staff presented preliminary information to the Council about the proposed, five-year WCCLS local option levy. Public libraries in Washington County are experiencing significant increases in use. In May 2002 Eva Calcagno, Manager of WCCLS, outlined to the Washington County Board of Commissioners the projected funding needs for public library services in Washington County over the next five years. Based on that analysis, the Commissioners authorized the placement of a five-year levy for library operations on the November 5, 2002, ballot. The fixed-rate levy would provide approximately 70 percent of operating funds for public libraries throughout Washington County.

At this meeting Eva Calcagno, Manager of WCCLS, is prepared to present additional information to the Council about the levy and to answer any questions the Council may have.

---

OTHER ALTERNATIVES CONSIDERED

N/A

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal #2 A wide array of opportunities for life-long learning are available in a variety of formats and used by the community.

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ATTACHMENT LIST

1. Set of PowerPoint Slides
2. Ballot Title-Measure 34-54
3. Explanatory Statement-Measure 34-54

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### FISCAL NOTES

The five-year levy has a fixed-rate of \$.26 per \$1,000 of assessed value. If approved, owners of a typical home (\$158,000 assessed value) would pay \$41 in additional property taxes in 2003.

WASHINGTON COUNTY  
Cooperative Library Services

A Library Levy for Washington County  
Measure 34-54

Presented by:  
Eve Calogian, WCCLS Manager

Levy Overview:

- Local Option Levy totaling \$49.9 million over five years (2004 - 2008)
- Fixed rate of 26¢ per \$1000 of assessed valuation
- Equals about \$41 in additional taxes on an average home in 2003
- Measure 34-54 on the November 2002 ballot
- Would supplement County general fund support for library services.

Why is the levy proposed?

- To maintain library services currently funded by one-time reserves.

Funding Source	Percentage
County general fund	60%
Local share	27%
WCCCLS	13%

Status of WCCLS Reserve Funds

Year	WCCLS Reserve Funds (Millions)
1999	8.0
2000	7.0
2001	6.0
2002	4.0
2003	1.5

Why is the levy proposed?

- To respond to the growing use of library services.

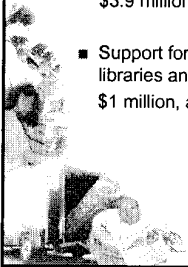
Category	% Increase (1990-2001)
Circulation of library materials	74%
County population	46%

What would the levy pay for?

- Library operations currently paid for by reserves: \$17.3 million, average of \$3.5 million per year (35%)
- The growing use of local public libraries including book purchases, expanded operating hours, additional staff, programs and services: \$27.8 million, average of \$5.6 million per year (55%)

### Continued...

- Additional central services to support member library operations (WILnet, deliveries, youth programs, outreach, reference support, online databases, etc.): \$3.9 million, average of \$780,000 per year (8%),  
and
- Support for countywide arts and cultural activities at libraries and in the community:  
\$1 million, average of \$200,000 per year (2%).

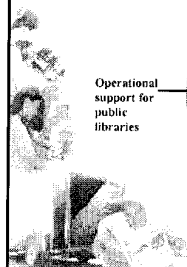
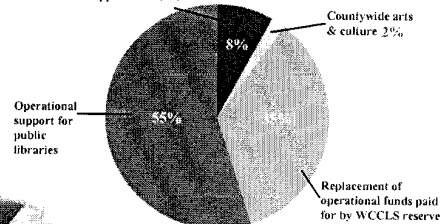


WASHINGTON COUNTY  
Cooperative Library Services  
1000 S. 10th Street, Suite 100, Anchorage, Alaska 99501  
907.561.1234

### Measure 34-54

- How would the money be spent?

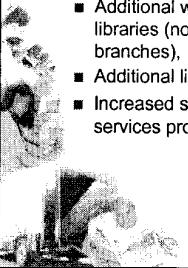
Central services to support members



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Cooperative Library Services  
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907.561.1234

### What happens if the levy passes?

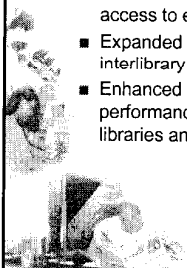
- Increased purchase of library materials and investments in library collections,
- Additional weekly open hours at many member libraries (not including hours at additional library branches),
- Additional library service provider (North Plains),
- Increased support for children's and youth services programs,



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Cooperative Library Services  
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### Continued...

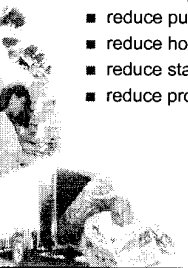
- Enhanced outreach to special populations (Latino community & homebound),
- Increased computer and Internet support & access to electronic resources,
- Expanded telephone, digital reference and interlibrary loan support,
- Enhanced cultural programming (such as performances, displays, art and instruction) in libraries and in the community.



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907.561.1234

### What happens if the levy doesn't pass?

- If the levy is not approved, public libraries and central support services would:
- reduce purchase of books and other materials,
- reduce hours of operations,
- reduce staffing levels, and/or
- reduce programs and services.



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### Questions?

*Thank you.*



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907.561.1234

**Washington County Measure 34-54**  
**Ballot Title**

Caption: Local Option Levy to Maintain and Enhance Countywide Library Services

Question: Shall Washington County levy \$.26 per \$1000 assessed value for five years, beginning in 2003-04, for countywide library operations?

This measure may cause property taxes to increase more than three percent.

Summary: Approximately 73% of library operating funds come from Washington County Cooperative Library Services.

This levy funds libraries in Banks, Beaverton, Cedar Mill, Cornelius, Forest Grove, Garden Home, Hillsboro, Sherwood, Tigard, Tualatin, West Slope and a developing library in North Plains.

The levy would pay for:

- Library services currently paid for by reserves. Since 1998, library reserves have been used to avoid service reductions. Approximately 90% of reserves will be spent by June 2003.
- Enhancements that address growing library use, including book purchases, expanded operating hours, and staff. Circulation of library materials has increased 100% since 1990; a 78% increase is expected for 2003-2008.
- Additional services, including computer catalogue system, children's programs, library deliveries, outreach, Internet access, reference support, arts and cultural activities.

Levy is a fixed-rate of \$.26 per \$1000 assessed value. A home with average assessed value (not market value) of \$158,000 pays an additional \$41 in 2003-04.

If levy is not approved, likely results include: reductions in hours of operation, reduced staffing, fewer book purchases, and elimination of some services.

This levy is estimated to raise \$8,945,297 in 2003-04, \$9,437,288 in 2004-05, \$9,956,339 in 2005-06, \$10,503,938 in 2006-07, and \$11,081,654 in 2007-08.

## **Washington County Measure 34-54: Explanatory Statement**

Approximately 73% of operating funds for public libraries in Washington County come from Washington County Cooperative Library Services (WCCLS). Library managers, users and elected officials worked with WCCLS and County Commissioners to develop a five-year local option levy to maintain and enhance public library services. The levy would supplement continued support from the County.

### ***Which public libraries would be funded by this levy?***

Banks, Beaverton, Cedar Mill, Cornelius, Forest Grove, Garden Home, Hillsboro (Shute Park, Tanasbourne and Books By Rail), Sherwood, Tigard, Tualatin, West Slope, and a developing library in North Plains.

### ***Why is this levy proposed?***

#### **Maintains current library services:**

- Following property tax reductions in 1997 required by Measure 50, city, community and county library officials planned a five-year spend down of library reserve funds rather than cut library services.
- These one-time funds have paid for an increasing portion of library operations since 1998.
- Approximately 90% of this reserve will be spent by June 2003.

#### **Responds to the growing use of library services:**

- An estimated 6 million books and other materials will be checked-out from local libraries in 2002.
- Circulation of library materials has increased 100% since 1990.
- 24% of this growth occurred in the past two years.
- Libraries have been constructed, expanded or are planned in Beaverton, Cedar Mill, Forest Grove, Tigard, North Plains, Hillsboro, Sherwood, and Garden Home. (This levy is limited to library operations; construction costs are paid for by local jurisdictions.)
- Over the levy's five-year term (2004-2008), circulation is projected to increase by 78% to 10.7 million books and other items.

### ***What would the levy pay for?***

- Library operations currently paid for by the library reserve fund (\$3.5 million per year, 35% of levy)
- Service enhancements that respond to increasing library use (\$5.6 million per year, 55% of levy)
- Increased central support services linking the 12 local libraries together (\$780,000 per year, 8% of levy)

- Support for countywide arts and cultural activities (\$200,000 per year, 2% of levy).

***What specific library services would be maintained or enhanced?***

- Purchase of books and other materials, investments in "opening day" collections for new libraries
- Staffing and hours of operation for libraries
- Support for children's and youth services.
- Outreach to special populations (chiefly, the Latino community and Homebound)
- Computer and Internet support, access to electronic resources
- Telephone, digital reference and interlibrary loan support
- Cultural programming in libraries and the community

***How would this levy impact a homeowner's taxes?***

The five-year levy has a fixed-rate of \$.26 per \$1,000 of assessed value. If approved, owners of a typical home (\$158,000 assessed value) would pay \$41 in additional property taxes in 2003.

***What happens if the levy does not pass?***

Likely results in local libraries include:

- Reduced hours of operation
- Reduced staffing levels
- Reduced purchase of books and other materials
- Elimination of some programs and services

AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF August 13, 2002

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Authorization of the sale of surplus property purchased for access to Menlor Reservoir site.

PREPARED BY: John Roy DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

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ISSUE BEFORE THE COUNCIL

Shall the City Council approve the sale of developed property acquired for access to the Menlor Reservoir site located at 13230 SW 154th Avenue (tax lot 600)

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STAFF RECOMMENDATION

Authorize the sale of Parcel 1 of Tax Lot 600, T2S, R1W, Section 05DB, W.M., Washington County, according to Tigard Municipal Code.

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INFORMATION SUMMARY

Council first approved Resolution No 01-20 on April 24, 2001; however, advance notice of the public hearing was not properly advertised as required by Tigard Municipal Code. Due to this procedural error, we would like Council to re-adopt this resolution (01-20) which will be superceded by the new resolution.

In May of 1997 the City of Tigard purchased the Clute property, a 1.76-acre parcel to construct the 3.5-mg Menlor reservoir. The parcel was originally purchased for \$350,000 or \$198,865 per acre. The reservoir was built on a portion of the parcel and after construction was completed, a Minor Land Partition was approved on the remaining 1.36-acre portion of the property, no longer needed.

TMC 3.44.015 (A) requires a hearing before Council to proceed with the disposal of property classified as developed. According to TMC 3.44.015 (B) notice of hearing was published which included a description of the proposed property for sale. An appraisal was completed on the above referenced property.

After review of the appraisal and discussion by the Intergovernmental Water Board, a motion was passed to recommend as a condition of sale, the maximum units allowable to be fifteen or less per acre.

Due to the amount of time that has passed since the first appraisal (\$265,000), we solicited a second appraisal with the same firm of Moscato, Ofner and Henningsen, Inc. which stated the market value of the property as \$285,000.

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OTHER ALTERNATIVES CONSIDERED

The Intergovernmental Water Board and the City of Tigard could keep the property and utilize as an open space, however, the parcel would need to be purchased from the Water fund to do so.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

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ATTACHMENT LIST

- Summary appraisal report - May 2002
- Resolution NO. 02-\_\_\_\_\_

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FISCAL NOTES

The summary appraisal report indicates the market value of the property is considered to be \$285,000.00

**SUMMARY APPRAISAL REPORT**

**PARCEL 1 OF THE CLUTE PROPERTY  
13230 S.W. 154<sup>TH</sup> AVENUE  
TIGARD, OREGON  
PO No: W20832**

**PREPARED FOR**

**MR. DENNIS COLEMEIR  
DEPARTMENT OF PUBLIC WORKS  
CITY OF TIGARD  
17125 S.W. HALL BOULEVARD  
TIGARD, OREGON 97223**

**PREPARED BY**

**MOSCATO, OFNER & HENNINGSEN, INC.  
13765 N.W. CORNELL ROAD, SUITE 200  
PORTLAND, OREGON 97229**

**EFFECTIVE DATE**

**MAY 6, 2002**

**OUR FILE NO: C02-073**

# Moscato Ofner & Henningesen, Inc

Real Estate Appraisers and Consultants

Principals:

Louis J. Moscato, MAI  
Lawrence E. Ofner, MAI  
Scott A. Henningesen, MAI

May 10, 2002

Mr. Dennis Colemeir  
Department of Public Works  
City of Tigard  
17125 S.W. Hall Boulevard  
Tigard, Oregon 97223

Dear Mr. Colemeir:

Pursuant to your request, we have performed a complete appraisal in a summary report format of the City's Parcel 1 of the Clute Property located at 13230 S.W. 154<sup>th</sup> Avenue in Tigard, Oregon.

In accomplishing this assignment, we have completed an inspection of the subject property, together with observing both economic and land use trends in the subject's general area. In addition, comparable market data was investigated, analyzed and applied as appropriate.

It is important to note that this is a complete appraisal in a summary report format which is intended to comply with the reporting requirements as set forth under Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice. As such, it presents only summary discussions of the data, reasoning and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning and analyses is retained in the appraiser's file. The depth of the discussion contained in this report is specific to the needs of the client and for the intended uses as stated in this report. The appraiser is not responsible for unauthorized use of this report.

In this appraisal, the property has been valued as though it would be sold on an all-cash or equivalent new mortgage financing basis and has been prepared to comply with the Uniform Standards of Professional Appraisal Practice (as promulgated by the Appraisal Standards Board of The Appraisal Foundation).

Based on our investigation and analysis of the available information, the market value of the subject property in fee simple, as described herein and as of May 6, 2002, is considered to be:

**TWO HUNDRED EIGHTY FIVE THOUSAND DOLLARS**

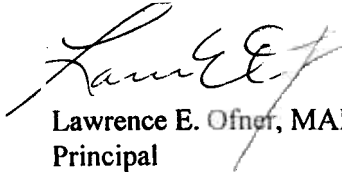
**\$285,000**

Mr. Dennis Colemeir  
May 10, 2002  
Page Two

The valuation stated herein is subject to the important conditions and assumptions which follow on the subsequent and attached pages including, but not limited to, the extraordinary assumption that there are no toxic or hazardous waste materials or conditions which exist within any building improvements, site improvements or the land itself and it must be noted that the appraisers are not experts in this field; thus, if any questions or concerns exist, it is recommended that appropriate experts be consulted. In this case, a Phase I Environmental Assessment Report was provided for our review (see Site Description section).

Respectfully submitted,

MOSCATO, OFNER & HENNINGSEN, INC

A handwritten signature in black ink, appearing to read "Lawrence E. Ofner", is written over the printed name and title.

Lawrence E. Ofner, MAI  
Principal

Oregon State Certification No. C000016

### SUMMARY OF PERTINENT DATA

Effective Date:	May 6, 2002		
Date of Inspection:	May 6, 2002		
Date of Appraisal:	May 10, 2002		
Property Rights Appraised:	Fee Simple		
Location:	13230 S.W. 154 <sup>th</sup> Avenue, Tigard, Oregon		
Improvements:	A one-story, wood frame single-family residence built in 1960 and containing 1,984 sq.ft. of gross area plus a detached utility shed. Due to the subject's zoning for high density residential development and the overall age, site layout, condition, quality and design of the improvements, the subject improvements are considered to contribute no appreciable value and would likely be removed if the property were to be developed.		
Site Size:		<u>Acres</u>	<u>Sq.Ft.</u>
	Total Site Area:	1.360	59,242
	Estimated Usable Area:	0.957	41,696
Zoning:	R-25 (Medium/High-Density Residential District)		
2000-01 Real Market Value:	\$297,070		
Owner of Record:	City of Tigard		
Highest & Best Use:	As vacant - high density attached housing development		
Flood Hazard Area:	No portion of the subject site appears to be located within a 100-year flood hazard area.		
Exposure Time:	Six months (assuming property had competent and aggressive marketing)		
Indicated Stabilized Values:			
Cost Approach:	N/A		
Sales Comparison Approach:	\$285,000		
Income Approach:	N/A		
Market Value Conclusion:	<b>\$285,000*</b>		

\* Subject to the extraordinary assumption that the property is free of any environmental contamination.

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-\_\_\_\_\_

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY PURCHASED FOR ACCESS TO THE MENLOR RESERVOIR.

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WHEREAS, the piece of property acquired for the Menlor Reservoir has been defined as developed property according to the Tigard Municipal code Chapter 3.44.005;

WHEREAS, Tigard Municipal Code Chapter 3.44.015 describes the process to dispose of property such as this; and

WHEREAS, notification has been published in a newspaper of general circulation for a five day period prior to the hearing and shall describe the property proposed for sale,

WHEREAS, an appraisal has been completed and,

WHEREAS, a public hearing was held and public testimony solicited as to whether the sale would be in the public interest, and

WHEREAS, the Council has considered whether to offer the property for sale and what the minimum acceptable terms shall be.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The sale of property identified as Parcel 1 of Tax Lot 600, T2S, R1W, Section 05DB, W.M., Washington County, is in the public best interest.

SECTION 2: The property is defined as developed property.

SECTION 3: A notice soliciting sealed bids shall be published according to TMC 3.44.015 (F)

SECTION 4: The property shall be sold according to TMC 3.44.015 (F), (G), and (H).

SECTION 5: The minimal acceptable terms shall be:

- (a) Payment of \$\_\_\_\_\_ , with the full amount paid to City no later than closing.
- (b) Payment of earnest money in the amount of \$5,000 within 5 days of bid award.
- (c) Closing within 45 days of bid award

SECTION 6: Bids may be rejected for failure to comply with the requirements of TMC Chapter 3.44, this resolution, or invitation to bid. The City Manager or designee may reject any or all bids based on a finding that it is in the public interest to do so. Any rejection of bids may be appealed to the Council by filing a written appeal with the City Recorder within 5 business days of the rejection. Only the rejected bidder may file an appeal.

RESOLUTION NO. 02-\_\_\_\_

SECTION 7: The City Manager or designee shall complete the sale with the highest bidder (excluding rejected bids), provided the bid is equal to or greater than the minimum acceptable price. If the highest bidder fails to complete the sale, the City Manager or designee shall complete the sale with the next highest bidder, provided the bid is equal to or greater than the minimum acceptable price.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2002.

\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

\_\_\_\_\_  
City Recorder - City of Tigard